

JOURNAL

OF THE

House of Representatives

OF THE

STATE OF ALABAMA.

SESSION 1873.

---

WITH INDEX, ETC.,

PREPARED BY NEANDER H. RICE, SECRETARY OF STATE.

---

MONTGOMERY, ALA.:

ARTHUR BINGHAM, STATE PRINTER.

1874.

BLANK PAGE



# JOURNAL.

---

MONTGOMERY, ALABAMA, }  
November 17, 1873. }

This being the third Monday of November, the day fixed by law for the meeting of the General Assembly of the State of Alabama,

The House of Representatives convened in the Representative Hall, in the city of Montgomery, at 12 meridian.

The Speaker, Hon. Lewis E. Parsons, being present, called the House to order.

Prayer was offered by Rev. Mr. Foster.

The Clerk then proceeded to call the roll, when the following members answered to their names:

Messrs. Speaker, Barrow, Boyd, Brewer, Broadnax, Brown of Jackson, Brown of Tuskaloosa, Bruce, Carson, Chapman, Clark of Barbour, Clopton, Cloud, Cockrell, Cowan, Crawford, Corsbie, Davis, Donoho, Dotson, Dustan, Ellsworth, Fantroy, Franklin, Goldsby, Green of Hale, Hamilton, Hunter, Johnson, Jones of Lee, Jones of Madison, Lawrence, Lee, Levey, McAfee, McCaskie, McCoy, McHugh, Mathews, Maull, Meriwether, Murphree, Patterson of Autauga, Patterson, of Macon, Peddy, Reed, Renfroe, Slater, Speed, St. Clair, Stallworth, Steel of Madison, Taylor of Lauderdale, Taylor of Sumter, Threat, Thomas, Treadwell, Walker, Whatley, Wilkinson, Williams of Barbour, Williams of Montgomery.

The Speaker announced the result of the call of the roll of members, and there being a quorum present, declared the House duly organized and ready to proceed to business.

On motion of Mr. Johnson, of Dallas—

Mr. Anderson Smith, member elect from Dallas to fill the vacancy occasioned by Mr. White's resignation, appeared and was sworn in.

Mr. Mathews offered the following resolution, which was adopted:

*Resolved*, That the Clerk be authorized to inform the Senate that the House is duly organized and ready to proceed with the public business.

Mr. Thomas offered the following joint resolution:

*Be it resolved by the House of Representatives, the Senate concurring*, That a joint committee of five from the House and three from the Senate be appointed to wait upon the Governor and inform him that the General Assembly was organized, and ready to receive any communication he might think proper to make.

Adopted.

And the chair appointed Messrs. Thomas, Jones of Lee, Williams of Barbour, Taylor of Lauderdale, and Cloud, to constitute said committee on the part of the House.

Mr. Dustan, by leave, introduced a joint resolution providing for the appointment of a joint committee of five on the part of the House, and three on the part of the Senate, to inquire into and report what action should be taken by the General Assembly of the State of Alabama in view of the recent outrages on American citizens by the Cuban authorities.

The joint resolution was adopted.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
Nov. 17, 1873. }

*Mr. Speaker:*

I am instructed to inform the House of Representatives that there is a quorum of the Senate present, and that the Senate is organized and ready to proceed to business.

The Senate has adopted the following joint resolution:

*Resolved*, That a committee of three on the part of the

Senate, to act with a like committee on the part of the House, whose duty it shall be to wait upon the Governor and inform him that the two houses of the General Assembly are organized, and ready to receive any communication which he may have to make.

Committee on part of the Senate—Messrs. Pennington, Hamilton and Cooper.

MIKE L. WOODS,  
Secretary Senate.

Mr. Cloud moved that the Senate message be ordered to lie on the table, and that the committee on part of the House, in connection with committee on part of the Senate, proceed at once to inform His Excellency, the Governor, that the General Assembly of the State of Alabama was duly organized and ready to receive any communication that His Excellency might see proper to submit;

Which motion was carried.

The Speaker appointed as members of said committee on part of the House:

Messrs. Thomas, Cloud, Taylor of Lauderdale, Williams of Barbour, and Jones of Lee.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
Nov. 17, 1873. }

*Mr. Speaker :*

The Senate has concurred in the House joint resolution to raise committee to wait on His Excellency, the Governor, &c.

MIKE L. WOODS,  
Sec'y of Senate.

Mr. Atkinson, Private Secretary to the Governor, delivered to the Senate the Governor's annual message and accompanying documents.

The message read as follows:

EXECUTIVE DEPARTMENT, }  
 STATE OF ALABAMA, }  
 Montgomery, November 17, 1873. }

*Gentlemen of the Senate*

*and House of Representatives :*

Before we proceed to the consideration of our duties as rulers of the State of Alabama, let us lift our hearts in fervent prayer to Almighty God, that our actions may be so guided by His spirit that they may build up the waste of our beloved State, tranquilize the feelings of our people, and be acceptable to His holy purposes. For it is only by living in accordance with His laws that we can permanently prosper—physically, mentally, morally, or politically. The chastisement which we have received at His hands during the present year, in the pestilences which have devastated our cities, and in our crops, stunted by the plagues which have devoured them, and in the financial convulsions which have swept sustenance from the laborer, as well as profits and fortune from the capitalist, should teach us dependence on Him, who holds the Universe in the hollow of His hand, and that the only true wisdom and wealth are in the knowledge and obedience of His will.

I have the honor to submit to your consideration herewith copies of the reports of the Auditor, the Treasurer, the Commissioner of Industrial Resources, the Superintendent of Public Instruction, and from the other public institutions of the State.

#### FINANCE.

The subject of the State finances demands your most serious and thoughtful consideration. The embarrassment surrounding our pecuniary engagements and the means of complying with them, though serious before, are of course enhanced by the crisis in money circles. We are still suffering the crisis commencing over two years since, in our experiment of constructing important lines of railroads, mainly by State credit. The theory that a railroad, while in progress of construction, could pay the interest on the bonds issued to build it, has been shown to be false; and this failure of the railroads to pay interest on the bonds, endorsed by the State, devolves on

the State a debt, the means for paying which have not been provided for in her assessment of taxes. The State has been in default in the payment of interest on some of these endorsed bonds since January 1870.

The immediate effect to the injury of the State of this failure to pay the interest on these endorsed bonds, was to impair the market value of all her securities, to render loans impracticable, except at great sacrifice, and eventually to render her bonds unsaleable at rates that could be entertained.

It was hoped by this department, that the prompt payment of the interest on the bonds of the State, negotiated for its own loans, would keep that line of securities on a footing of recognized value, and afford the means of paying the past due coupons on the endorsed bonds, until a better day would dawn on the railroads themselves, and thus tide over our difficulties. But wall street refused to recognize a compliance by the State with her financial obligations as long as any coupon of an endorsed bond of the State was not provided for on maturity.

The whole of the last issue of State bonds could have been sold for eighty-five cents on the dollar, to parties interested in the endorsed bonds of the railroads, provided all past due coupons were paid. But the State did not have a sufficiency of bonds to discharge all these coupons and pay the interest on the direct bonds of the State. If the act of the Legislature, entitled "An act to maintain the credit of Alabama," approved February 25, 1873, had authorized the issue of two millions of bonds, there would have been a sufficiency of funds at the command of this department to have paid off all the interest past due and accruing on both the direct and endorsed bonds of the State during the financial year just closed. But the Legislature having authorized the issue of an amount inadequate to meet all the interest debt of the State, no sale could be made of the bonds authorized to be issued. This department has been unable to sell for money any of the State bonds during the present administration, being forced to follow in the footsteps of its predecessor in raising money by the hypothecation of the securities of the State as it best could.

I recommend that for the purpose of redeeming the bonds of the State that are now hypothecated, that a new issue of bonds be authorized in such sums as the General Assembly shall find to be necessary, redeemable at the

pleasure of the State, to run not exceeding ten years, bearing interest at 8 per cent, the coupons to be receivable in all dues to the State, in denominations of one hundred dollars or more, each. Such a security will command a home market, and it is hoped will inaugurate the domestication of our debt. Much surplus money in the State, timid of investment in new enterprises, might seek such a security, and the denomination of the bonds would present a rival security to the banks of deposit which pay interest to its depositors. I would respectfully suggest, further, that all trustees be authorized to invest fiduciary funds in these bonds, by an act properly guarded. The negotiation of such a security would relieve the State from its present embarrassment in respect to its hypothecated securities, and enable it to use its means for the future according to exigencies. Such an issue of bonds should be accompanied with an act, that the Auditor's warrants should no longer be received in payment of the taxes of the State. The funding of the warrants now outstanding would afford great relief to the present wants of the State.

It is believed that the past due coupons of the Alabama and Chattanooga road, together with the approaching January interest, can be funded in bonds of the State, at ninety cents in the dollar, without cost or commission to the State. I earnestly recommend the passage of such acts as may be necessary to accomplish this adjustment of the outstanding interest. When it is remembered that the credit of the State fell with the failure to pay the interest on those bonds, and that they embrace the bulk of the unpaid interest of the State, it is believed that no measure can be adopted, so well calculated to restore the credit of the State as the adjustment of this interest on terms satisfactory to the holders of the coupons.

Unquestionably the embarrassment of the State growing out of her complications with the unfinished railroads in her borders is very serious. Yet it must be remembered that other States have encountered the same troubles in a spirit of like enterprise. The present development and prosperity of the great State of Pennsylvania has been preceded by the depression of her finances and credit, in her assistance to her railroad enterprises, even greater than that which now presses on our State. The development of our vast mineral resources could never have been attained but through the instrumentality



of railroads. Land-locked and remote from all markets, transportation was essential to render them a source of wealth. The prize to be attained is worth the sacrifice. When capital and skilled labor shall, at no distant day, utilize the minerals, water power, and lumber of our State, which were all worthless without means of access to market, our cotton crop will be only a secondary and subordinate source of wealth.

#### TAXATION.

Our experience during the financial year which has just closed, inclines me to adhere to the recommendation which was made in my special message to you, during your last session, as to the increase in the rate of taxation, which is necessary to meet the wants of our State treasury. Its adoption now will place us, after another year, in possession of a revenue which is very much needed at the present time. The State, as you know, has not been able to sell her bonds for money, on satisfactory terms, for two years. The failure of most of our railroads, whose bonds have been endorsed by the State, to pay the interest thereon, and the wide-spread money-pressure that now banishes all confidence from business, teach us that we can have no reasonable expectation of deriving money from any source except that of taxation. It will be necessary, therefore, for you to revise with the utmost care your laws on the subject of taxation, and carefully explore and utilize all sources of revenue not now embraced in the same.

And I again urge on your attention the propriety and necessity of a State Board of Equalization, to secure the purpose contemplated by section 1, article IX, of the State Constitution. The present report of the Auditor furnishes additional evidence showing the necessity for such a board, not only that assessments may be in exact proportion to the value of property, as the constitution requires, but that reasonable calculations of the yield of our tax bills may be realized in collections.

The law in respect to the taxes paid by insurance companies should be most carefully revised. The law, as worded, allows such companies—both Life and Fire—to escape a large part of the taxation that should be borne by them. In this connection, I would further suggest that all non-resident corporations, engaged in the insur-

ance business in this State, whether against death or fire, should be made to deposit with the Treasurer of the State such security for the payment of the losses on their policies to our citizens as will be a reasonable protection to them against loss. There should be a minimum deposit required of each company, and an additional amount in proportion to the sum total of their policies in the State.

Your laws in respect to the disposition by re-sale of lands which have been purchased by the State at tax sale need revision. The State has quite a large amount of taxes locked up in such lands. Some officer should have authority to re-sell the same, on application of purchasers, for taxes, interest and expenses.

#### ECONOMY.

There is no lesson taught us so forcibly by all our surroundings as economy in every branch of the State Government, and this should be rigidly enforced in all cases, circumscribed alone by the necessities of the public service. Its benefits will be felt, not only in our State finances, but the example will produce a spirit of good management and thrift in the community. When the State, by its example, does honor to a virtue, it becomes more acceptable to the community.

#### RAILROADS.

The condition of the railroads, for which the State has endorsed bonds, is the cause and key of our troubles in credit and finance. Since your adjournment nothing has occurred to render the general outlook more favorable.

The Alabama and Chattanooga road is in the hands of Receivers, appointed by the Circuit Court of the United States, sitting at Mobile—Mr. Ingram not having complied with the act of the Legislature authorizing the sale to him, and no other purchasers having offered to accept the property on the same terms. There has been a change in the Receivers of the road, by what is supposed to have been a voluntary resignation of Messrs. Rice and Haralson, and the appointment of Messrs. Murdock and Elliott as successors, who have just assumed control of the same. This Department has no information whatsoever of the condition, management, receipts, disburse-

ments, outstanding certificates, or other matters connected with said road, nor has it any authority to obtain the same.

The South and North road has cancelled the bonds of that corporation endorsed by the State to the amount of three millions six hundred and thirty-two thousand dollars, which have been disposed of as the law directs, and is now entitled to the benefit of the act entitled "An act to provide for the substitution of State bonds to the amount of \$4,000 per mile, in lieu of State endorsement of bonds of the various railroad companies of the State," approved April 21, 1873. The bonds authorized by this act have not been, but will be, issued as soon as received. Though all the roads entitled to the benefit of this act, except the East Alabama and Cincinnati road, have notified this Department of their intention to accept the provisions of the same, none of them have taken any other step in that direction known to this Department, except the notice of their acceptance of the terms of the act.

No settlement has yet been made with the Montgomery and Eufaula Railroad under the authority of an act entitled "An act to authorize the Governor to settle with the Montgomery and Eufaula Railroad Company," approved April 13, 1873, though this Department is advised by those in the interest of that road, that the settlement authorized will soon be made.

It was believed that a purchaser was found for the Selma and Gulf Railroad, on terms that would indemnify the State, and advertisement was accordingly made to complete the title to the same by a sale under the mortgage to the State for the \$40,000 00 loaned said road. But all this has been postponed by unavoidable causes, so that its consummation has not been effected. That road is now in the hands of receivers, appointed by the Selma Chancery Court, and is sought to be subjected to a lien of certificates to be issued, and disbursed by the receivers, whose lien will be paramount to the lien of the first mortgage bonds. I have instructed the attorneys for the State to resist this step in every legal manner, as I conceive it to be fraught with the sum of all evils to the railroad interest, and will result in destruction, partial or total, of the first mortgage lien of the State on railroads, without any compensating benefit to the State or roads concerned. It is but the step which will be followed by some interest connected with every unfinished railroad in

the State. If legislation is necessary to stop this ruin of that class of the State securities, I recommend the enactment of any law that may attain that end.

#### COMMISSIONER OF RAILROADS AND INSURANCE COMPANIES.

I recommend the enactment of a law creating the office of Commissioner of Railroads and Insurance Companies. This was the subject of your consideration during your last session, and was left with the unfinished business. All departments of the State Government, and more especially the General Assembly, are in need of the statistics which such an officer would obtain for their information and intelligent direction. Information in respect to insurance companies is important, as well for the proper imposition of taxation, as for the security and information of that large class of our citizens who hold their policies, and the wide range of statistical knowledge of the various railroads of the State cannot be gathered without some legislation, imposing the duty of its collection on some officer of the State. And these vast miracles of modern invention now involve so much of life and property, and tend to infringe on human rights in so many respects, that the duty of intelligent legislation can no longer be performed without a full knowledge of all facts necessary to their just and careful supervision.

#### SWAMP LAND FUND.

In the successive administrations from 1861 to 1871, there have been several boards and sets of officers employed by the State to perform important and valuable services respecting the swamp and overflowed lands of the State. The question of compensation to these different boards has been before this Department, and has also been before the General Assembly, and one of the boards has filed a bill in chancery against the State, in the court at Selma. The difficulty is to determine the amount of compensation that each board is entitled to. No tribunal can do this without having all parties in interest before it, and ascertain by evidence, that is open to contest by the other boards, the proportion of labor performed by each, and of compensation to which each is entitled. The per cent. of compensation being limited by law, this amount should be distributed among them according to

the proportion of services rendered. I recommend the enactment of a law requiring the different boards to appear before the chancellor of this division at the suit of the State to a bill, in the nature of a bill of interpleader; that the chancellor adjust by the machinery of that court the share to which each board is entitled. That each board shall disclose the compensation it has received heretofore, and that if the same has been out of proportion to the services it has rendered, that the individuals shall refund any excess. I know of no other method of adjusting this matter equitably. If the claims of all the boards and officers are paid, it is believed that the fund will be exhausted in so doing.

#### PENITENTIARY.

The management of your Penitentiary is at present on a plan partially only experimental and provisional. The agricultural branch, though not likely to be a source of profit for the present year, from causes that were general in that portion of the State, will, it is hoped, yet be remunerative. The hands within the wall of the Penitentiary, engaged in manufacturing under contract, are producing articles which must command ready sale, where such things are needed. Other inexpensive branches of manufactures might be introduced to advantage for the employment of such convicts as must be kept within the enclosure. Much progress has been made by the present Warden in the repair and improvement of the Penitentiary. The increased number of convicts in comparison to former years, and the difficulty of caring for them with the combined rigidity and humanity that justice and charity demands, devolves on the General Assembly a duty of great delicacy.

#### INSANE ASYLUM.

The managers of the Insane Asylum are entitled to the highest commendation for their excellent management of that meritorious institution. Its order, neatness and comfort are unexceptionable. The pecuniary difficulties which they have encountered have been of such a nature that it is confidently believed that no other institution in the State could have survived them. I earnestly urge upon the consideration of the General Assembly to make

some certain provisions whereby the warrants to this institution shall be paid, if need be, in preference to other debts due by the State in the future. The wants of its helpless and unfortunate inmates present an appeal to christian civilization which should place their assured comfort above the fluctuations of financial troubles.

Your institution for the Deaf, Dumb and Blind deserves your most considerate and sympathetic regard. The ushering of these unfortunate people in the region where some rays of light from the great world, present and future, reaches their understandings and hearts, is a great boon.

#### EDUCATION.

Your special attention is invited to a careful supervision of the laws and machinery which govern and control the subject of education. It is respectfully submitted, that the benefits which our present system has conferred on the youth of the State are not in proportion to the great expense which attends it. Its most zealous advocates cannot deny that it has been in operation long enough for a mere experimental test. The number of officers and the expense are too great for our sparse population. The uncertainty and infrequency of common schools; the absorption of the revenues of some of our higher schools by the useless multiplication of professorships, not needed for the instruction of pupils; the complication of the machinery, placing the supervision of all these interests so far from your immediate consideration; the great expense entailed upon our impoverished revenues by the unnecessary multiplication of salaried officers, diverting so large a portion of the public funds from the cause of education, without any corresponding benefit, are matters demanding your prompt attention. It is believed that both economy and efficiency demand a thorough revision by you of all our laws on the subject of education, both fundamental and statutory.

Your State certificates still remain at considerable discount, though receivable in payment of taxes, and though the amount is so small in comparison to the aggregate taxation of the State. The financial panic defeated the execution of an arrangement which would have been completed for rendering a considerable portion of them bankable, much to the relief of the State, as well



as of the business community. At present they only give us the evil of a depreciated currency, and afford the means of easy speculation on the wants of the needy creditors of the State. In connection with the issuing of a new line of State securities for domestic use, I recommend that they be destroyed as they are taken in, under such careful regulations as becomes so important an act.

I beg leave to call your attention to the 27th section of article 4 of the Constitution of the State. The accumulation of annual statutes since the promulgation of the Revised Code of Alabama renders it highly expedient that the statutes of the State should be codified.

The administration of your criminal law in the cost of keeping those who are indicted, and held under arrest for misdemeanors, before trial, is a source of great expense to the State. If this cannot be remedied, it may be mitigated at least.

Since your adjournment, Hon. Pat Ragland, Secretary of State, has departed this life, and I have appointed Hon. Neander H. Rice, of Florence, as his successor.

In conclusion, gentlemen, let us possess ourselves, so to act, that when the great future of our State is developed, we may look back to this crisis with the pleasant recollection that though she was beset with difficulties and surrounded by embarrassments and dangers, that our faith was strong in her grand destiny, and that we did not falter in the path of duty.

I have the honor to be,

Your obedient servant,

DAVID P. LEWIS,  
Governor.

Mr. Merriwether moved that the Governor's message be ordered to lie on the table, and 1,000 copies be printed for the use of the House.

Mr. Cloud moved to amend the motion by ordering that 2,500 copies of the Governor's message and 1,500 copies of accompanying papers be printed for general distribution.

The amendment was accepted by Mr. Merriwether, and the motion as amended was adopted.

Mr. Boyd offered the following resolution, which was adopted:

*Resolved by the House of Representatives, That the Clerk be, and he is hereby instructed to report the num-*

ber of persons employed in this House, together with the per diem and duties of each person employed.

Mr. Murphree offered a resolution that members absenting themselves without leave shall forfeit their per diem during such absence.

Mr. Merriwether moved to lay the resolution on the table.

Lost.

And the resolution was thereupon amended and adopted.

Mr. Parsons (Mr. Brown of Tuskaloosa in the chair) introduced a resolution instructing the Senators and requesting the Representatives of Alabama to support an amendment to the currency act by which holders of bonds may demand and receive payment in greenbacks, and holders of greenbacks may purchase bonds *ad libitum*.

Made special order for 12 M. to-morrow.

On motion of Henry St. Clair, 100 copies of the rules were ordered printed for the use of the House.

And on motion,

The House adjourned until 10 A. M. to-morrow.

TUESDAY, NOV. 18, 1873.

The House met pursuant to adjournment.

The roll was called, and the following members answered to their names :

Messrs. Speaker, Barrow, Boyd, Brewer, Broadnax, Brown of Jackson, Brown of Tuskaloosa, Bruce, Carson, Chapman, Clarke of Barbour, Clark of Perry, Clopton, Cloud, Cochran, Cockrell, Crawford, Corsbie, Donoho, Dotson, Dozier, Dustan, Ellsworth, Fantroy, Franklin, Galaspie, Goldsby, Greene of Hale, Greene of Jefferson, Hannon, Hunter, Johnson, Jones of Lee, Jones of Madison, Kelly, Lawrence, Lee, Levey, McCaskie, McCoy, McHugh, Mancill, Mathews, Maull, Merriwether, Moss, Murfree, Musgrove, Patterson of Autauga, Patterson of Macon, Peddy, Reed, Reese, Renfroe, Slater, Smith of Morgan, Smith of Tallapoosa, Smith of Dallas, Speed, St. Clair, Stallworth, Steel of Madison, Steel of Montgomery, Stribling, Taylor of Lauderdale, Taylor of Sumter, Threat, Thomas, Treadwell, Walker, Whatley,

Wilkinson, Williams of Barbour, Williams of Montgomery.

A quorum being present,

The Journal of yesterday was read and approved.

Mr. Hunter, by leave of the House, offered the following resolution:

*Resolved*, That the Committee on the Judiciary is instructed to enquire and report whether Henry Cochran, of Dallas county, resigned his seat in this House, and thereby created a vacancy in the representation in said county.

*To the Honorable the House of Representatives  
of the General Assembly of Alabama:*

The memorial of Datus E. Coon of Dallas county respectfully represents—

That the seat of a member of the House from the county of Dallas was made vacant by the resignation of Henry Cochran, about the 23d day of April, 1873. Said resignation was in writing, was addressed to the Governor of Alabama, and transmitted and delivered to him, and placed on the files of the office of the Governor's private secretary, and remained there on file until about the 30th of September, 1873, when it was returned to Mr. Cochran. During said interval of time, about five months, said Cochran repeatedly declared that he had resigned his seat, and he participated actively in procuring the nomination by the Republicans of Dallas county of a candidate for election to fill such vacancy. The nomination was made, and your memorialist was the person selected by the nominating convention to fill said vacancy, but said nomination not being agreeable to said Cochran, he came to Montgomery and attempted to withdraw his resignation, and did procure the return to him of the paper declaring his resignation which had so long remained on file in the Executive Department of the State.

Your memorialist respectfully insists that the resignation of Mr. Cochran became complete and irrevocable from the time it was transmitted to the Governor, that it required no concurrence or consent of the Governor to render it complete or obligatory.

That neither the Constitution nor the laws of the State give the Governor any power over the resignation of a

member of the House of Representatives whereby he can make it complete by accepting it, or render it incomplete by refusing to accept it.

That the resignation of said office by Mr. Cochran was final and unconditional, and was made to enable him to hold a Federal office, which he could not have held, under an order issued by the President of the United States, while he remained a member of the House in the General Assembly of Alabama.

On the 11th day of November, 1873, at a special election held in Dallas county, under a writ of election to fill a vacancy caused by the resignation of the Hon Alex. White, as a member of the House from Dallas county, your memorialist received a large number of votes of the qualified voters of Dallas county cast and placed in the ballot boxes at the several places of voting in said county, to fill the vacancy caused by the resignation of H. Cochran.

The ballots cast were printed, and were as follows :

FOR MEMBER OF THE GENERAL ASSEMBLY

To fill the vacancy occasioned by the resignation of Henry Cochran,

D. E. COON.

Your memorialist is informed that about six hundred votes were so cast for him, and were sealed up by the managers of election, together with the poll lists, and were sent by said managers to the Judge of Probate of Dallas county in the manner and within the time prescribed by law. No other person received so large a vote for Representative to fill said vacancy, and your memorialist was duly elected to said office. On Saturday, the 15th of November, 1873, your memorialist attended the meeting of the board of supervisors of election of Dallas county, and demanded of said board that it should certify his election to the Secretary of State. Said demand was made in writing, and in the following words :

*To the Honorable the Board of Supervisors of Dallas County :*

The undersigned respectfully insists that the board of supervisors of election for Dallas county will count and

certify the votes cast for him in the election held on the 11th of November, 1873, for the vacancy in the House of Representatives occasioned by the resignation of Henry Cochran, late a Representative from Dallas county, and if it shall appear from said count that the undersigned has a majority of the votes cast for Representative to fill said vacancy, that the board will certify his election to the Secretary of State. In the event the board shall refuse to make such certificate or shall refuse to count or consider the votes cast for him for said vacancy, the undersigned respectfully requests that said ballots and poll lists be preserved to be used in evidence before the House of Representatives, to which body he intends to refer his claims to the seat to which he has been elected by the people of Dallas county.

(Signed)

D. E. COON.

November the 15th, 1873.

Said board of supervisors having heard said demand, considered the same and refused to count said votes, or to make any return or certificate respecting them, but replaced them in the boxes, where they remain, in the office of the Judge of Probate for Dallas county.

Your memorialist respectfully insists that said election is valid, and that it does not rest in the power of the Governor of Alabama to defeat the rights of the people to full representation in the General Assembly, either by failing or refusing to make proclamation of an election or to issue a writ of election to fill a vacancy in either House.

The Constitution, in section twelve (12), article four, requires him to cause elections to be held to fill all vacancies in the House of Representatives, and he has no power to appoint a Representative for any county. The permission given to Mr. Cochran by the Governor to recall his resignation, after five months had elapsed since he had filed it, if it amounts to anything, is an appointment to fill the vacancy that existed in that office.

The people of Dallas county, in whom alone the power resides to fill such vacancy, have fully and peacefully signified their choice. They are entitled to have five members in the House of Representatives, and they now have but four, unless the House, which has the exclusive and final jurisdiction to determine the matter, will sustain their election. Unless their election is sustained,

the people of Dallas county must remain unrepresented until a new election can be had.

It is respectfully submitted to the House of Representatives that this is not a just mode of dealing with the people. They are entitled to a full representation at every session of the General Assembly, and during each entire session. To postpone their right to such representation until a new election can be held is to admit the principle that a co-ordinate department of the State Government can, by its non-action or refusal to act, compel a county to lose its representation at a time when its most material and vital interests are under consideration. Respectfully protesting against the power of any department of the State Government to deprive the people of their full representation, and insisting that the people of Dallas county have duly signified their choice in this matter by the election of your memorinlist, he asks the House of Representatives to investigate, consider and decide upon his right to a seat in this honorable body, which he claims as the chosen representative of the people of Dallas county.

DATUS E. COON.

Mr. Hunter moved that the resolution be adopted and the memorial referred to the Committee on Judiciary.

Mr. Goldsby moved to amend by referring the matter to the Committee on Elections. Lost.

And the matter was referred to the Committee on the Judiciary.

Leave of absence was granted Mr. Howell; on account of sickness and death in his family.

Mr. Cockrell gave notice of a motion to change the rule of the House respecting contempt on the part of members.

#### CALL OF COUNTIES.

Mr. Fantroy—

A bill to prevent and punish frauds. Referred to Judiciary Committee.

Also, a bill to prevent frauds upon the public money. Referred to Judiciary Committee.

Mr. Clark of Barbour—

A bill to repeal section 2 of the act in relation to the issue of county bonds in aid of any railroad in this State,



approved February 17, 1871, so far as the same relates to Barbour county. Referred to Committee on Internal Improvements.

Also, a bill for the protection of agricultural laborers. Referred to Judiciary Committee.

Mr. Williams of Barbour—

To define the duties, and fix the responsibility and compensation of warehouses and places of like kind. Referred to Judiciary Committee.

Also, for the relief of George Webb of Barbour county. Referred to the Committee on Local Legislation.

Also, to establish a new charter for the city of Eufaula. Referred to Committee on Corporations.

Also, to repeal the act making Pea river a public highway, approved February 5, 1846. Referred to the Committee on Public Roads and Highways.

Mr. Galaspie—

To amend the act fixing the time of holding courts in the fifth judicial circuit. Referred to the Judiciary Committee.

Also, to repeal an act in relation to the fine and forfeiture funds of Tuscaloosa and other counties, so far as the same relates to the county of Blount. Read twice.

Mr. Slater moved to amend, by extending the provisions of the bill to the county of Choctaw. Adopted.

Mr. Walker moved to amend, by adding "and Dallas county." Adopted, and the bill as amended was referred to the Committee on Local Legislation.

By Mr. Clopton—

A resolution authorizing the appointment of a committee of three to investigate and report how a certain act amending the charter of Greenville came to be published among the acts of the legislature, when in fact no such act was ever passed. Adopted, and Messrs. Clopton, Dustan and Donoho were appointed on said committee.

Also, a bill to regulate the sale of property under power of sale in mortgage or deed of trust. Referred to Judiciary Committee.

Also, a bill to authorize W. K. Parmer, administrator of the estate of Joseph N. Parmer, deceased, late of Barbour county, to sell the lands of said estate at private sale. Read three times, under a suspension of the rules, and passed.

Also, a bill to prevent Liquor sales in four miles of

Good Hope church, in Butler county. Referred to Committee on Local Legislation.

By Mr. Speed--

A bill to provide medical attention for the poor and destitute within one mile of the corporate limits of Union Springs. Employs a physician for the poor, and pays him \$300 per annum. Read twice.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
November 18, 1873. }

*Mr. Speaker :*

The Senate has adopted the accompanying joint resolution, and has passed bills with the following titles:

To repeal an act entitled "An act to secure justices of the peace and notaries public in their fees in certain cases," approved December 16, 1871.

To regulate the fees of constables in the county of Marengo.

MIKE L. WOODS,  
Sec'y of Senate.

#### SPECIAL ORDER.

The House, 12 M. having arrived, went into the consideration of the preamble and resolution offered by Mr. Parsons, which was the special order for that hour. The said preamble and resolution were as follows:

The General Assembly of Alabama, considering--

1. That the true value of real and personal property in the United States, according to the returns of the year 1870, is about \$30,068,518,507, which is held and owned by the people thereof, who number 38,558,371; that these people have been doing business since the war, not on a coin basis, but on an authorized paper currency, consisting of greenbacks and national currency notes, amounting in actual circulation to about \$340,993,470, and that in the year 1870, by the use of these means, they produced from 407,735,041 acres of improved lands 1,378,299,153 bushels of wheat, corn, and other cereals, 171,783,324 bushels of potatoes, peas, and beans, 1,668,450,857 pounds of cotton, tobacco, wool, rice, flax, hemp, and

silk; and that the products of their various manufactures for that year were the sum of \$4,232,325,422; and considering—

2. That of these several grand results the people of Alabama, numbering 996,992, with real and personal property, amounting to \$155,582,595, of which sum more than \$117,000,000 were in real estate, produced from 5,062,204 acres of improved lands 429,482 bales of cotton, which, with the rice, tobacco, flax, and wool, amounted to 172,549,777 pounds, and 21,018,820 bushels of corn and other cereals, and that the value of the products of her factories amounted to the sum of \$13,040,649; and considering—

3. That the people of Alabama have made these crops and produced these results with an actual circulation of \$1,078,883.25, according to the report of the Treasurer of the United States for the year 1872-3, which is less than their authorized share of said paper currency by \$728,100; that in 1860 they made 997,978 bales of cotton, 32,761,194 bushels of corn, and 9,315,026 bushels of other cereals, together with 1,402,247 pounds of rice, wool and tobacco, having the use of a currency amounting to upwards of \$61,000,000; and considering—

4. That there is no demand abroad for our paper currency; that it has not been burned and otherwise destroyed; that it is more valuable now than when the present panic began; that there has not been any marked vale (?) in our agricultural or manufacturing interests to produce this unprecedented condition of things in the money market and the general prostration of business and loss of confidence;

The General Assembly do declare that in their judgment these things are the result in a great degree, if not altogether, of artificial causes, and may be guarded against in future by a change in our currency laws and at the same time afford present relief to a great extent; therefore,

*Be it resolved*, That our senators in Congress are hereby instructed, and our representatives requested, to urge the passage of an amendment to the several acts regulating the currency by which it shall be made the duty of the Secretary of the Treasury of the United States to pay in legal tender notes on presentation all bonds of the United States which bear interest at the rate of 6 per centum per annum or upwards, and to redeem all legal tender notes

with bonds whenever said notes are presented at the treasury for that purpose.

Mr. Cloud moved the adoption of the preamble and resolution.

Mr. McCaskey moved that the resolution be referred to a special committee of five, upon which shall be the gentlemen from Talladega and Lauderdale, with instructions to modify and revise the same if necessary, and report without delay. Carried.

M. Clarke of Perry moved to adjourn until 10 A. M. tomorrow. Agreed to.

WEDNESDAY, Nov. 19, 1873.

The House met pursuant to adjournment.

The roll was called and the following members answered to their names :

Messrs. Speaker, Ash, Barnett, Barrow, Barton, Boyd, Brewer, Brown of Jackson, Brown of Tuskaloosa, Bruce, Carson, Chapman, Clarke of Barbour, Clarke of Perry, Cloud, Cockrell, Cowan, Crawford, Corsbie, Davis, Donoho, Dotson, Dozier, Dustan, Elliott, Ellsworth, Fantroy, Franklin, Galaspie, Goldsby, Greene, of Hale, Greene of Jefferson, Gresham, Hannon, Howell, Hunter, Johnson, Jones of Madison, Kelly, Lamb, Lawrence, Lee, Levey, Lewis, McAfee, McCaskie, McCoy, McHugh, Mancill, Manning, Mathews, Maull, Merriwether, Moss, Murfree, Musgrove, Patterson of Autauga, Patterson of Macon, Peddy, Reed, Reese, Renfro, Slater, Smith of Bibb, Smith of Morgan, Smith of Tallapoosa, Smith of Dallas, Speed, Stallworth, Steel of Madison, Stribling, Taylor of Lauderdale, Taylor of Sumter, Threat, Thomas, Treadwell, Vaughn, Walker, Whatley, White of Clay, Wilkinson, Williams of Barbour, and Williams of Montgomery.

A quorum being present the Journal of yesterday was read and approved.

By leave, Mr. Thomas introduced a resolution instructing the Speaker to appoint a committee to take into consideration the embarrassed condition of the finances of the State and report the result of their labors—said committee to be composed of the Speaker and one Repub-

lican and one Democratic member from each Congressional District.

Adopted.

By leave, Mr. Cockrell called up the resolution relating to the rules of the House on the subject of contempt, of which he gave notice on yesterday.

Referred to Select Committee.

The Clerk of the House, Robert Barber, reported the number and pay of the employes of the House ;

Which was ordered to lie on the table.

The following are the employes reported and their per diem :

D. L. Dalton, Journal Clerk, \$6.

F. M. Shouse, Assistant Journal Clerk, \$6.

S. Bernard, Recording Clerk, \$6.

W. E. Cockrell, Enrolling Clerk, \$6.

W. H. Council, Assistant Enrolling Clerk, \$6.

Philip Joseph, Engrossing Clerk, \$6.

Eugene Carter, Assistant Engrossing Clerk, \$6

C. O. Harris, Assistant Engrossing Clerk, \$6.

Jno. Thomas, Assistant Door-Keeper, \$6.

Henry Locke, Gallery Door Keeper, \$6.

M. G. Barber, Assistant Sergeant-at-Arms, \$6.

Shade Whatley, Fireman, \$4.

June Wright, Fireman, \$4.

Robert Nemo, Messenger, \$4.

A. J. Brewington, Messenger, \$4.

T. Abercrombie, Page, \$3.

S. Russell, Page, \$3.

H. Stephens, Page, \$3.

J. G. Oliver, Page, \$3.

N. Thomasson, Page, \$3.

On motion of Mr. Howell, the members were requested to furnish the Clerk with the names and locations of their boarding houses.

By leave, Mr. Threat introduced a resolution authorizing the raising of a joint committee to invite and receive the United States Senate Committee appointed to visit the Southern States and inquire into the practicability of making navigable certain rivers, etc.

Adopted.

By leave, Mr. McAfee introduced a bill to provide for the redemption of State certificates and the funding of State warrants.

Referred to Committee on Ways and Means.

The Speaker announced Mr. Moss, of Madison, as a member of the Judiciary Committee.

By leave, Mr. Dustan introduced a resolution in relation to the traction steam engine of W. C. Bibb Esq.

Adopted.

#### CALL OF COUNTIES.

Mr. Walker, a bill to protect the citizens of this State in the enjoyment of their rights.

Ordered to second reading to-morrow.

Also, a resolution to instruct the Committee on Education to report a bill providing for re-opening the public schools.

Ordered to a second reading to-morrow.

Mr. Greene of Hale, a joint resolution that the Finance Committees of each House report by bill or otherwise, some plan by which the Patton money may be put in circulation.

Adopted.

Mr. Cockrell, a bill to amend an act to regulate elections in the State of Alabama, approved April 22d, 1873.

Ordered to a second reading to-morrow.

Mr. Cockrell, a resolution that the Committee on Ways and Means be instructed to mature, at an early day a revenue bill.

Adopted.

Also, a petition and memorial in the contest between T. C. Elliott and J. A. Slater.

Referred to the Committee on Privileges and Elections.

Mr. Brown of Jackson, a bill to amend the act to fix the time of holding the courts in the 5th judicial circuit.

Ordered to second reading to-morrow.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
Nov. 19, 1873. }

• *Mr. Speaker :*

The Senate has originated and passed bills, with the following titles :



For the relief of Irene Larkins, guardian of her minor children of Sumter county.

To prohibit the sale of spirituous liquors within three miles of either of the churches in the village of Salem, in the county of Lee.

To amend section three of an act entitled an act to confer civil jurisdiction upon the city court of Mobile, and has adopted the accompanying joint resolutions.

MIKE L. WOODS,  
Sec'y. of Senate.

The hour of 12 M having arrived, the rules were suspended and the House proceeded with the call of the counties.

Mr. Clarke of Perry, moved that the House reconsider its action in ordering the civil rights bill to a second reading to-morrow.

Carried.

Mr. Boyd moved that the bill be ordered to a second reading to-morrow.

The motion of Mr. Boyd was not agreed to.

Mr. Williams moved a suspension of the constitutional rules, that the bill might be put upon its second reading to-morrow.

On the motion to suspend the vote was taken by yeas and nays and resulted as follows:

Those voting in the affirmative are—

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Barton, Brown of Tuskaloosa, Bruce, Carson, Clarke of Barbour, Clarke of Perry, Clopton, Cloud, Cochran, Cockrell, Davis, Dotson, Dozier, Dustan, Elliott, Ellsworth, Goldsby, Greene of Hale, Hannon, Hunter, Johnson, Jones of Madison, Levey, Lewis, McAfee, McCaskie, McHugh, Mathews, Maull, Merriwether, Moss, Musgrove, Patterson of Autauga, Patterson of Macon, Reed, Reese, Smith of Dallas, St. Clair, Steel of Madison, Steel of Montgomery, Stribling, Taylor of Sumter, Threat, Thomas, Treadwell, Walker, White of Clay, Williams of Barbour, and Williams of Montgomery.—Yeas, 52.

Those voting in the negative are:

Messrs. Barrow, Boyd, Brewer, Broadnax, Brown of Jackson, Clopton, Cowan, Crawford, Corsbie, Donoho, Franklin, Galaspie, Greene of Jefferson, Howell, Kelly, Lawrence, Lee, McCoy, Mancill, Murfree, Peddy, Slater,

Smith of Bibb, Smith of Morgan, Smith of Tallapoosa, Taylor of Lauderdale, Vaughn, Whatley, Wilkinson—Nays, 29.

So the rules were not suspended.

Mr. Walker moved a reconsideration of the vote by which the House refused to order the bill to a second reading to-morrow.

On the motion to reconsider, the vote was taken by yeas and nays, and resulted as follows:

Those voting in the affirmative are—

Messrs. Speaker, Barton, Bruce, Carson, Clarke of Barbour, Clarke of Perry, Cloud, Cochran, Cockrell, Davis, Dotson, Dozier, Dustan, Ellsworth, Fantroy, Goldsby, Greene of Hale, Hunter, Johnson, Jones of Madison, Lamb, Levey, Lewis, McAfee, Mathews, Maull, Merriwether, Moss, Patterson of Autauga, Patterson of Macon, Reed, Reese, Smith of Dallas, Speed, St. Clair, Steel of Madison, Steel of Montgomery, Taylor of Sumter, Threat, Thomas, Treadwell, Walker, Williams of Barbour, Williams of Montgomery—Yeas, 44.

Those voting in the negative are—

Messrs. Anderson, Ash, Barnett, Barrow, Boyd, Brewer, Broadnax, Brown of Jackson, Brown of Tuskalooza, Bruce, Carson, Chapman, Clopton, Cowan, Crawford, Corsbie, Donoho, Elliott, Ellsworth, Franklin, Galaspie, Greene of Jefferson, Howell, Kelly, Lawrence, Lee, McCaskie, McCoy, McHugh, Mancill, Murfree, Musgrove, Peddy, Purcell, Slater, Smith of Bibb, Smith of Morgan, Smith of Tallapoosa, Stallworth, Stribling, Taylor of Lauderdale, Vaughn, Whatley, White of Clay, Wilkinson—Nays, 42.

So the motion was agreed to.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
Nov. 19, 1873. }

*Mr. Speaker :*

The Senate has adopted the accompanying joint resolution, and ordered the same forthwith to the House.

MIKE L. WOODS,  
Sec'y of Senate.

On motion of Mr. Dustan the bill was ordered to a second reading to-morrow, and made the special order for the hour of eleven.

Mr. Boyd moved a suspension of the rules in order to take up a Senate joint resolution, as follows:

#### JOINT RESOLUTION.

*Resolved by the Senate (the House of Representatives concurring,)* That so much of the message of His Excellency, the Governor, as relates to finance and taxation be referred to a joint committee of thirteen, five to be appointed by the President of the Senate and eight by the Speaker of the House, said committee to be instructed to report by bill or otherwise at an early day as possible.

The motion was agreed to, and the resolution read and adopted.

The Speaker appointed as the committee on the part of the House—

Messrs. Bruce, Crawford, Moss, Brewer, Cochran, Barnett, Lewis and Cowan.

Mr. Taylor of Lauderdale introduced a bill to be entitled an act to amend section 4 of "an act entitled 'an act to regulate property exempt from sale for the payment of debts.'"

The bill was read and ordered to a second reading to-morrow.

Mr. Taylor of Lauderdale also introduced a bill to authorize the payment by the tax collector of Lauderdale county to pay the appropriation made for the normal school at Florence.

Read once.

Mr. Taylor moved to suspend the rules and order the bill to a second reading at once.

A long debate ensued, which was participated in by many members.

Pending the remarks of Mr. Cockrell,

The House adjourned till 10 A. M. to-morrow.

THURSDAY, NOV. 20, 1873.

The House met pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Ash, Barnett, Barrow, Barton, Brewer, Brown of Tuskaloosa, Bruce, Carson, Clarke of Barbour, Clopton, Cloud, Cockrell, Corsbie, Davis, Donoho, Dotson, Dozier, Draxler, Dustan, Ellsworth, Fantroy, Franklin, Galaspie, Greene of Hale, Greene of Jefferson, Hannon, Howell, Hunter, Johnson, Kelly, Lee, Levey, Lewis, Lovvorn, McAfee, McCoy, Mancill, Manning, Masterson, Maull, Millen, Merriwether, Moss, Musgrove, Patterson of Autauga, Patterson of Macon, Peddy, Purcell, Reed, Reese, Renfroe, Simpson, Slater, Smith of Bibb, Smith of Morgan, Smith of Tallapoosa, Smith of Dallas, Speed, St. Clair, Stallworth, Steel of Madison, Steel of Montgomery, Stribling, Taylor of Lauderdale, Taylor of Sumter, Threat, Thomas, Treadwell, Vaughn, Walker, Whatley, White of Clay, Wilkinson, Williams of Barbour, Williams of Montgomery.

A quorum being present,

The Journal of yesterday was read, and a certain correction ordered to be made.

The Journal was approved and signed.

Pursuant to the order of the House, the following correction is made:

On page 33 of the official Journal, commencing on line 10, after the words "the bill was read," the following should be written:

"Mr. Walker moved that the constitutional rule be suspended in order to give the bill a second reading forthwith.

"Objection being made,

"A vote was taken, when the House refused to suspend the rules."

By leave, Mr. McAfee introduced a resolution referring the various subjects treated of in the Governor's message to the appropriate committees.

Mr. Brown of Tuskaloosa moved to amend, by considering the Senate resolution relating to the insane asylum, and adopting the same.

The amendment was agreed to, and the amended resolution was adopted.

The committee on Mr. Cockrell's resolution, relating to

a change of the rules, consists of Messrs. McCoy, Cockrell and Moss.

#### CALL OF THE COUNTIES.

The question before the House being whether the rules should be suspended to give Mr. Taylor's normal school bill a second reading forthwith,

A compromise was effected, and the bill read a second time and referred to the Committee on Education.

On motion, the votes ordering the civil rights and other bills to a second reading on to-day, were reconsidered.

The civil rights bill was then taken up and referred to the Judiciary Committee, with instructions to report Wednesday at 11 o'clock.

The bill to amend the act to fix the time of holding the courts in the 5th judicial circuit, was read a third time, under a suspension of the rule, and passed.

The bill to amend the election law of April 22, 1873, (so as to provide for the election of a tax assessor in each county,) was referred to the Judiciary Committee.

The bill to amend section 4 of an act to regulate the exemption of property from levy and sale for debt, was referred to the Judiciary committee.

By leave, Mr. McCoy introduced a resolution instructing the Committee on Education to investigate and report what amount of public printing was done during the year 1873;

Which was adopted.

By Mr. Taylor of Lauderdale—

A bill to amend section one of an act amendatory of sections 3100, 3102, and 3104 of the Revised Code.

Referred to Judiciary Committee.

By Mr. Carson—

A bill to repeal the act forbidding liquor sales within four miles of Hopewell Church and Magnolia Academy in Lowndes county.

Referred to Committee on Local Legislation.

By Mr. Maull—

To repeal the act forbidding liquor sales within one and a half miles of Sandy Ridge in Lowndes county.

Referred to Committee on Local Legislation.

Also, to amend the act regulating the fees of notaries public and justices of the peace, No. 116, approved April 19, 1873.

Referred to Committee on Fees and Salaries.

By Mr. Steel of Madison—

To repeal section 1374, article 1, of the Revised Code, so far as the same relates to the county of Madison:

Referred to Judiciary Committee.

By Mr. Dustan—

Relative to section 78 of the Revised Code, and certain services rendered thereunder.

Referred to Judiciary Committee.

By Mr. Thomas—

To provide for the issuance, circulation and redemption of State certificates.

Referred to joint committee appointed under Senate resolution.

Also, for the protection of employees and laborers on railroads.

Referred to Committee on Internal Improvements.

Also, to regulate the inclosure of stock in portions of Hale, Marengo and Perry.

Referred to select committee of the members from the counties interested.

By Mr. Boyd—

To amend section 3733 of the Revised Code.

Referred to Judiciary Committee.

Also, to amend section 2397 of the Revised Code.

Referred to Judiciary Committee.

Also, to amend section 2 of the act to incorporate the town of Guntersville in Marshall county.

Passed.

By Mr. Brewer—

To enable private corporations, incorporated by the laws of this State, to surrender their charters and settle their private affairs.

Referred to Judiciary Committee.

By Mr. Barnett—

To amend section 2857 of the Revised Code of Alabama.

Referred to Judiciary Committee.

Also, to authorize the consolidation of the fine and forfeiture with the general fund of Monroe county.

Referred to Committee on Local Legislation.

Also, to authorize James M. Davidson, administrator of William Davidson, deceased, late of Monroe county, to sell the lands belonging to said estate at private sale, and to make titles to the same.

Referred to Committee on Local Legislation.

By Mr. Cloud—

To repeal the \$4,000 per mile bill.

Referred to Committee on Ways and Means.

Also, to suspend the operation of section 2 of an act approved February 21, 1860, (the ten thousand dollars per mile bill).

Referred to Judiciary Committee.

By Mr. Levey—

To provide for digesting and revising the general laws of Alabama.

Referred to Judiciary Committee.

Also, to abolish the office of State Printer, and for other purposes.

Referred to Committee on Printing.

By Mr. Merriwether—

To repeal the act establishing the court of quarter sessions of Wilcox county.

Passed, and ordered forthwith to the Senate.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
November 20, 1873. }

*Mr. Speaker :*

The Senate has originated and passed bills with the following titles:

To prohibit the sale, gift or barter of intoxicating liquors within five miles of Jackson Shoals in Talladega county.

To prohibit the sale, gift or barter of intoxicating liquors within two miles of Marble Spring Presbyterian Church, Owen Spring Methodist Church, Salem Baptist Church, and the town of Estaboga in Talladega county.

In relation to the fine and forfeiture fund of Fayette, Sanford, Montgomery, Mobile, and Dallas counties.

To regulate the *per diem* and mileage of members of the commissioners court of Marengo county.

To ratify and confirm the action of the commissioners court of the county of Dallas, in the election of a county physician.

To repeal an act entitled "An act to fix the time of



holding the court of county commissioners of Marengo county," approved Nov. 24, 1866.

To provide for longer terms of the circuit court in the county of Jackson.

And has passed, without amendment, House bill—

To repeal an act entitled "An act requiring the justices of the peace of Chambers and Cleburne counties to act as apportioners and supervisors of public roads in their respective beats," approved December 16, 1871, so far as it relates to the county of Chambers.

Also, with an amendment, House bill—

To prohibit the sale or otherwise disposing of spirituous, vinous or malt liquors within two and a half miles of Davison Academy and Spring Hill Church, at Daviston, Tallapoosa county, Alabama.

MIKE L. WOODS,  
Sec'y of Senate.

Mr. Williams, of Montgomery, to create the office of recorder of deeds and mortgages in the county of Montgomery.

By Mr. Smith of Morgan—

For the relief of Jane Edwards of Morgan county.

Referred to the Judiciary Committee.

Also, for the relief of Mary Alice and Margaret Ann Turney, of Morgan county.

Referred to the Judiciary Committee.

Also, to allow W. S. Tunentine to sell certain lands.

Also, to require the probate judge of Morgan county to hold special terms of his court at the town of Decatur.

Referred to the Judiciary Committee.

Also, to establish an inferior court of record in the town of Decatur.

Indefinitely postponed.

Mr. Murphree, to repeal section five of an act exempting property from levy and sale.

Referred to the Judiciary Committee.

Also, to curtail the expense of administering upon small estates.

Referred to the Judiciary Committee.

Also, to amend section 3326 of the Code.

Referred to the Judiciary Committee.

Also, to allow constables in certain cases to receive the same compensation as sheriffs.

Also, to prevent malicious mischief.

Referred to the Judiciary Committee.

Also, to repeal section 3549 of the Revised Code.

Referred to the Judiciary Committee.

Also, to define ex-officio fees of the judge of probate and circuit clerk of Pike and Crenshaw counties.

Referred to the Judiciary Committee.

Mr. Treadwell, to repeal an act establishing a criminal court for Russell county.

Referred to the Judiciary Committee.

Also, to define by name, voting precincts of Russell county.

Referred to Committee on Local Legislation.

Mr. Elliott, to amend section 4346 of the Revised Code.

Referred to Judiciary Committee.

Also, to fix the time of holding circuit courts of the 10th judicial circuit.

Referred to Judiciary Committee.

Also, to remove administration of the estate of John W. Jones, deceased, from St. Clair county to the probate court of Shelby.

Referred to Committee on Local Legislation.

Mr. Ash, to define and punish adultery.

Referred to Judiciary Committee.

Also, to define and punish fornication.

Referred to Judiciary Committee.

Also, to require fines and forfeitures in St. Clair county to be paid in money or currency.

Referred to Committee on Local Legislation.

Mr. Reid, to amend the act relating to fences in Sumter and Pickens counties.

Referred to Committee on Local Legislation.

Mr. Dotson, for the relief of Philander Harker, of Sumter county.

Referred to Committee on Local Legislation.

Mr. Taylor, to regulate trespassing of stock in Sumter county.

Referred to Committee on Local Legislation.

Mr. McAfee, to make Coosa river a lawful barrier against stock.

Referred to Committee on County Boundaries.

Mr. Smith of Tallapoosa, to prohibit the sale of liquor within one mile of Camp Hill church.

Referred to Committee on Local Legislation.

Mr. Donaho, to exempt millers from working on public roads in Tuskaloosa county.

Referred to Committee on Local Legislation.

Also, to amend the charter of Greenville.

Mr. Brown of Tuskaloosa, to protect parents and guardians in their custody of minors.

Mr. Stribling, for relief of B. S. Collins, sheriff of Washington county.

Referred to Judiciary Committee.

Also, for the relief of B. L. Worsham, Washington county.

Referred to Judiciary Committee.

Mr. Bruce, to provide for holding special terms of the circuit courts of this State.

Referred to Judiciary Committee.

Also, to regulate the trial of attachment cases.

Referred to Judiciary Committee.

Also, to repeal an act to regulate the fees of notaries public in Wilcox county.

Passed.

Also, the following joint resolution, which was adopted:

WHEREAS, at the last session of the General Assembly of the State of Alabama, a joint resolution was passed, approved March 18, 1873, authorizing the Governor of this State, to appoint an agent in behalf of the State, to prosecute a claim of the State against the United States, arising under subdivision three, section six, of the act of Congress for the admission of the State into the Union, passed March 2d, 1819, to-wit: for five per cent. of the nett proceeds of the lands lying within this State, taken up since September 1st, 1819, by land warrants issued by the United States in part consideration for military services rendered pursuant to the laws of Congress;

And whereas, the Governor of the State has appointed an agent for the prosecution of this claim, and steps have been taken to press the allowance of said claim at the next session of the Congress of the United States; now, therefore—

*Be it resolved by the House of Representatives of the State of Alabama, the Senate concurring, 1. That our Senators and Representatives in Congress be, and they are hereby requested and instructed to examine into the merits of this claim at as early a day as possible, and to use their efforts and influence in Congress, to secure to*

the State whatever may be just and due to her from the United States in the premises.

2. That the Clerk of this House be, and is hereby directed to forward to each Senator and Representative in Congress a certified copy of this joint resolution.

Mr. McCaskie—

Resolution in regard to the depressed condition of cotton belt of Alabama:

WHEREAS, A most disastrous failure has occurred in the cotton crops in what is known as the cotton belt of Alabama during the past year, thereby bringing almost unprecedented destitution upon the laborers of that section, and causing a wide-spread gloom to cover both the owners and the tillers of the soil in said section—threatening disastrous results to the moral and material interests thereof;—therefore,

*Be it resolved*, That a committee of five be appointed to take into consideration what steps are necessary to be taken or can be taken to relieve the wants of the sufferers in said section.

The resolution was adopted and Messrs. McCaskie, Anderson, Cloud of Montgomery, Threat and Barnett, were appointed said committee.

By Mr. Stribling—

To prohibit liquor sale at certain places in Washington county.

#### SENATE MESSAGES.

To regulate the fees of constables in Marengo county. Amended to include Dallas county.

Referred to Committee on Fees and Salaries.

To repeal the act to secure justices of the peace and notaries public in their fees in certain cases, approved December 16, 1871.

Referred to Committee on Fees and Salaries.

Joint resolution for a joint committee on retrenchment, and the dispensing with the superfluous employes, clerks, &c.

Mr. Walker of Dallas, moved to strike out all pertaining to the abolition of clerks.

This resolution elicited considerable debate, when the motion of Mr. Walker finally prevailed, and the resolution as amended was passed.

The Speaker announced the following as the committee on the resolution in relation to the finances :

Messrs. Parsons, Chairman; 1st Congressional District, Bruce and Brewer ; 2d District, Williams of Barbour, and Clopton ; 3d District, Hannon and Crawford ; 4th District, Thomas and Brown of Tuskaloosa ; 5th District, Lawrence and Ash ; 6th District, Smith of Morgan, and Taylor of Lauderdale ; State at large, Barnett and Anderson.

On motion of Mr. Ellsworth—

The House adjourned until 10 o'clock to-morrow.

FRIDAY, NOV. 21, 1873.

The House met pursuant to adjournment.

The roll was called and the following members answered to their names :

Messrs. Speaker, Ash, Barnett, Barrow, Barton, Boyd, Brewer, Broadnax, Brown of Jackson, Brown of Tuskaloosa, Bruce, Carson, Chapman, Clarke of Barbour, Clopton, Cloud, Cochran, Cockrell, Cowan, Crawford, Corsbie, Davis, Donoho, Dotson, Dozier, Dustan, Elliott, Ellsworth, Fantroy, Franklin, Galaspie, Goldsby, Greene of Hale, Greene of Jefferson, Hannon, Hawkins, Howell, Hunter, Johnson, Jones of Madison, Kelly, Lamb, Lawrence, Lee, Levey, Lewis, Lovvorn, McAfee, McCaskie, McCoy, McHugh, Mancill, Mathews, Maull, Millen, Merriwether, Moss, Murphree, Musgrove, Patterson of Autauga, Patterson of Macon, Peddy, Purcell, Reed, Reese, Renfroe, Simpson, Slater, Smith of Bibb, Smith of Morgan, Smith of Tallapoosa, Smith of Dallas, Speed, St. Clair, Stallworth, Steel of Madison, Steel of Montgomery, Stribling, Taylor of Lauderdale, Taylor of Sumter, Threat, Thomas, Treadwell, Vaughn, Walker, Whatley, White of Clay, Wilkinson, Williams of Barbour, Williams of Montgomery.

A quorum being present,

The Journal of yesterday was read, and a certain correction ordered to be made. The Journal was approved and signed.

Pursuant to the order of the House, the following entry is made :

On page 46 of the official journal, where the words

Mr. Merriwether are written, the words Mr. McCaskie should appear, so as to show that Mr. McCaskie introduced the bill to abolish the court of quarter sessions of Wilcox county.

Mr. Brown of Jackson asked that Mr. Jones of Lee be excused for absence from this house on Tuesday, Wednesday and Thursday, and be granted leave of absence for the remainder of this week, on account of sickness in his family. The leave of absence was granted.

Mr. Lewis of Perry moved to reconsider the vote indefinitely postponing the bill to establish a court of law and equity at Decatur.

Mr. Boyd moved to lay that motion on the table.

On the motion to lay on the table, the vote was taken by yeas and nays, and resulted as follows:

Those voting in the affirmative are—

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Boyd, Brewer, Brodnax, Brown of Jackson, Brown of Tuskalooza, Clopton, Cowan, Crawford, Corsbie, Donoho, Franklin, Galaspie, Greene of Jefferson, Hannon, Howell, Kelly, Lee, Lovvorn, McCaskie, McCoy, Mancill, Murphree, Musgrove, Peddy, Purcell, Renfroe, Slater, Smith of Bibb, Smith of Morgan, Smith of Tallapoosa, Stallworth, Steel of Madison, Taylor of Lauderdale, Vaughn, Whatley, Weatherford, White of Clay, Wilkinson—Yeas, 44.

Those voting in the negative are—

Messrs. Barton, Carson, Clarke of Barbour, Clarke of Perry, Cloud, Cochran, Dotson, Dozier, Dustan, Elliott, Fantroy, Goldsby, Hunter, Johnson, Lamb, Lawrence, Levey, Lewis, McAfee, Mathews, Maull, Merriwether, Patterson of Autauga, Patterson of Macon, Reed, Reese, Simpson, Smith of Dallas, Speed, St. Clair, Steel of Montgomery, Taylor of Sumter, Threat, Thomas, Treadwell, Walker, Williams of Barbour, Williams of Montgomery—Nays, 39.

Mr. Ellsworth was excused from voting.

So the motion to lay on the table was agreed to.

Mr. Clarke gave notice of a motion to reconsider the vote amending and adopting the Senate resolution looking to retrenchment.

Mr. Dustan introduced a bill to authorize J. D. Alexander and Wm. L. Anderson to divide or sell for a division certain lands belonging to the estate of J. M. Anderson, deceased.

Select committee of three, consisting of Messrs. McAfee, Anderson and Moss.

By leave, Mr. Barnentt introduced the following joint resolution :

*Resolved by the House of Representatives, the Senate concurring,* That the thanks of the General Assembly of Alabama are hereby rendered to the city authorities of the city of Opelika for their generous offer of the public buildings of their city, lately tendered by them for the use of the State officers and the General Assembly at the present term.

Mr. McAfee moved to lay the resolution on the table.

Mr. Levey moved to amend by adding Talladega, and Mr. St. Clair moved to amend by adding Birmingham.

Agreed to, and the resolution as amended was adopted.

#### SENATE MESSAGE.

To amend section three of the act to confer civil jurisdiction on the city court of Mobile, approved February 13, 1873.

Referred to Judiciary Committee.

To prohibit the sale of liquor within three miles of either of the churches in the village of Salem, in the county of Lee.

Passed.

For the relief of Irene Larkins, guardian of her minor children, of Sumter county.

Referred to Judiciary Committee.

Joint resolution inviting the clergy of the city to open the daily sessions of the General Assembly with prayer.

Adopted.

To prohibit liquor sales within five miles of Jackson's Shoals, in Talladega county.

Passed.

To prohibit liquor sales within two miles of Marble Springs Presbyterian church, Owen's Springs Methodist church, and Salem Baptist church, in the town of Estaboga, in Talladega county.

Passed.

In relation to the fine and forfeiture fund of Fayette, Sanford, Mobile, Montgomery and Dallas counties.

Referred to the Judiciary Committee.

Joint resolution inviting the United States Senate Committee on Transportation to visit Montgomery.

Adopted.

To regulate the mileage and per diem of members of the commissioners court of Marengo county.

Amended so as to apply to the counties of Lowndes and Baldwin, and passed.

To ratify and confirm the action of the commissioners court of the county of Dallas in the election of a county physician.

Passed.

To repeal the act fixing the time of holding the court of county commissioners of Marengo county, approved Nov. 24, 1866.

Passed.

To provide for longer terms of the circuit court of the county of Jackson.

Tabled.

#### HOUSE BILLS AMENDED BY SENATE.

To prohibit liquor sales within one and a half miles of Daviston Academy and Spring Hill Church, in Talladega county. (Amended so as to read "1½ miles.")

Mr. Smith, of Tallapoosa, moved to lay the bill, as amended by the Senate, on the table. Lost.

And the Senate amendment was concurred in.

By leave, Mr. Steele, of Madison, introduced a bill to provide against the evils resulting from the sale of spirituous and intoxicating liquors in the State of Alabama.

Ordered to lie on the table, and that 125 copies be printed for the use of the House.

By leave, Mr. Ash introduced a bill to pay F. M. Davidson, late jailor of DeKalb county, for certain services therein named.

Referred to Committee on Ways and Means.

By leave, Mr. Fantroy introduced a bill to repeal sections 1858-9 and '60 of the Revised Code of Alabama.

Referred to the Judiciary Committee.

On motion of Mr. McCoy the Daviston Academy liquor bill was reconsidered and ordered to lie on the table until better information could be had respecting its merits.

Agreed to.

Mr. Howell, by leave, a bill to amend section 2349 of the Revised Code of Alabama.

Referred to Committee on Fees and Salaries.



Mr. Lamb, by leave, a bill to amend section 4054 of the Revised Code.

Also, to amend section 3937 of the Revised Code.

Referred to the Judiciary Committee.

Also, for the protection of game in Limestone county.

Referred to Committee on Local Legislation.

Also, to amend the act to prevent the wanton destruction of fish in the State, so far as relates to Limestone county.

Referred to Committee on Local Legislation.

Mr. Purcell, by leave, to authorize Angus McAllister, administrator of A. J. McAllister, deceased, to sell lands and personal property belonging to said estate.

Referred to a select committee of three from the Judiciary Committee, consisting of Messrs. Anderson, Williams of Montgomery, and Cockrell.

Mr. Mancill, by leave, to repeal the act consolidating the offices of tax assessor and tax collector of Covington county.

Passed.

Also, to authorize the commissions' court of Covington county to levy a special tax for the payment of grand and petit jurors.

Passed.

Mr. Lawrence, by leave, a bill to compel certain railroad companies to report the condition of their affairs to the Auditor of public accounts.

Referred to the Judiciary Committee.

Mr. Slater, by leave, a bill to amend section 652 of the Revised Code of Alabama so far as it relates to the county of Choctaw.

Passed.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
November 21, 1873. }

*Mr. Speaker :*

The Senate has originated and passed bills with the following titles ;

To amend section 80 of an act entitled "An act to establish revenue laws for the State of Alabama," approved November 16, 1868.

To amend section 3119 of the Revised Code.

To amend section 2562 of the Revised Code of Alabama.

To prohibit the sale of vinous or spirituous liquors within three miles of Smith's Camp-ground located in the county of Choctaw.

MIKE L. WOODS,  
Sec'y of Senate.

Mr. Stallworth, by leave—

To repeal the act amending section 1323 of the Revised Code, approved February 13, 1872.

Referred to Judiciary Committee.

Also, to legitimate the children of Anna Jones, born before her marriage with Josiah Jones of Covington county.

Passed.

Also, for the protection of agriculturists in the counties of Conecuh, Monroe, Henry, Clarke, Butler, Pike, and Choctaw.

Read twice.

Mr. Boyd moved to amend, by adding the county of Marshall.

Accepted.

Mr. Donoho moved to add the county of Tuskaloosa.

Accepted.

Mr. Stribling moved to amend, by adding Washington county.

Accepted.

Mr. Mathews moved to amend, by substituting "capitalists" for "agriculturists" in the caption of the bill.

Withdrawn.

Mr. Cloud moved to include Montgomery county.

Accepted.

Mr. Broadnax moved to include the county of Crenshaw.

Accepted.

Mr. Lamb moved to include Limestone county.

Accepted.

Mr. Cloud asked leave to withdraw Montgomery.

Agreed to.

Mr. Anderson moved to amend, by striking out the names of all the counties (making the bill general in its application).

Finally, on motion of Mr. Anderson—

The further consideration of the subject was made the special order for 12 M. to-morrow.

Leave of absence was granted Messrs. Stribling, Elliott, and Treadwell of Russell.

By Mr. Clarke of Perry.

To prevent judicial officers from acting as receivers.

Referred to Judiciary Committee.

On motion of Mr. Ellsworth—

The House adjourned to 10 A. M. to-morrow.

SATURDAY, November 22, 1873.

The House met pursuant to adjournment.

The roll was called, and the following members answered to their names :

Messrs. Speaker, Anderson, Ash, Barnett, Barton, Boyd, Brewer, Broadnax, Brown of Jackson, Brown of Tuskaloosa, Bruce, Carson, Chapman, Clarke of Barbour, Clark of Perry, Clopton, Cloud, Cockrell, Cowan, Corsbie, Donoho, Dotson, Dozier, Ellsworth, Fantroy, Franklin, Galaspie, Goldsby, Hannon, Howell, Hunter, Johnson, Jones of Madison, Kelly, Lawrence, Lee, Levey, Lewis, Lovvorn, McAfee, McCaskie, McCoy, McHugh, Mancill, Maull, Millen, Merriwether, Moss, Murfree, Musgrove, Patterson of Macon, Peddy, Reed, Reese, Renfroe, Simpson, Slater, Smith of Bibb, Smith of Morgan, Smith of Tallapoosa, Smith of Dallas, Speed, St. Clair, Stallworth, Steel of Madison, Steel of Montgomery, Stribling, Taylor of Lauderdale, Taylor of Sumter, Threat, Thomas, Vaughn, Walker, Whatley, Weatherford, White of Clay, Wilkinson, Williams of Barbour, Williams of Montgomery.

A quorum being present, the Journal of yesterday was read and approved.

Leave of absence was granted Messrs. Barrow and Lamb.

By leave, Mr. Howell introduced a resolution authorizing the appointment of a committee of three to confer with the Board of Health of Montgomery to ascertain whether or not yellow fever still exist here.

Adopted, and the chair appointed Messrs. Lawrence, Greene of Jefferson, and Weatherford, said committee.

On motion of Mr. McCoy the committee was allowed to withdraw at once to consult the Board.

Mr. Wilkinson, by leave—

To amend section 4 of the act to regulate property exempt from levy and sale for the collection of debt.

Also, to establish a new precinct in beat number 11, to be known as beat number 14 in Dale county.

Passed.

Mr. Greene, of Jefferson, by leave—

To amend sub divisions 4 and 5 of section 2928 of the Revised Code of Alabama.

Referred to Judiciary Committee.

Also, to prohibit liquor sales within three miles of Enon Presbyterian Church in Jefferson county.

Passed.

Mr. White, by leave—

To authorize contracts for the use or loan of money to the amount of fifteen per cent.

Referred to the Judiciary Committee.

Also—

#### JOINT RESOLUTION

To amend the Constitution so far as relates to the public school system of the State.

Lies over under the rule to be read again to-morrow.

Mr. Dozier, by leave—

To provide for an increase of pay to the county commissioners of Perry county.

Passed.

Mr. Lovvorn, by leave—

For the protection of bridges and mills in the State of Alabama.

Referred to the Judiciary Committee.

Also, to repeal section 1374 of the Revised Code of Alabama, so far as the same relates to the county of Randolph.

Passed.

Mr. Smith, of Morgan, by leave—

To prohibit liquor sales within three miles of Piney Grove Christian Church and School in Morgan county.

Passed.

Mr. Thomas—

For the relief of W. B. Jones of Marengo county.

Read twice.

Mr. Taylor, of Lauderdale, moved to amend by adding "on complying with the provisions of the revenue laws."

Accepted.

Mr. Donoho moved to amend by extending the provisions of the bill to all persons in Tuskaloosa county whose lands have been sold for taxes and purchased by the State.

Mr. Anderson moved to refer the bill and amendments to the Committee on the Judiciary, with instructions to prepare and report a general bill.

Agreed to.

Mr. Slater, by leave—

To prohibit liquor sales within two and a half miles of Choctaw Camp Ground, in Choctaw county, at certain times therein named.

Passed.

Mr. Hammond, by leave—

To prohibit liquor sales outside of all incorporated cities and towns in the State of Alabama.

Read twice.

Mr. Smith, of Morgan, moved to amend by adding "or intoxicating bitters."

Mr. Cockrell moved to amend by adding "except for medical purposes."

Mr. Taylor, of Lauderdale, moved to except Lauderdale from the provisions of the bill.

Mr. Cowan moved to refer the bill and amendments to the Committee on the Judiciary.

Mr. Ellsworth moved to postpone indefinitely the whole matter.

Mr. Stribling moved to lay the bill and amendments upon the table.

Agreed to.

Mr. Cowan, by leave—

To provide food and clothing for the convicts in the penitentiary.

Referred to the Committee on Ways and Means.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
 Nov. 22, 1873. }

*Mr. Speaker :*

The Senate has originated and passed bills with the following titles :

In relation to fines and forfeitures in the county of Marengo.

To prohibit the owners of horses, &c., from knowingly to suffer them to run at large in any town or village in Cherokee and Russell counties, and defining the liabilities for a violation of this act.

To authorize the judge of the 7th judicial circuit to hold a special term of the circuit court for Sumter county for the disposal of unfinished criminal business.

To repeal an act entitled "An act to amend an act entitled 'An act to incorporate the Sepulga River Manufacturing Company, of Conecuh county,'" approved Dec. 31st, 1868.

MIKE L. WOODS,  
 Sec'y of Senate.

Mr. Brown of Jackson, by leave—

A bill to amend the act to protect the owners of stock on the lines of railroads in this State.

Referred to the Judiciary Committee.

Mr. Musgrove, by leave—

A bill to lay off the county of Fayette into four commissioners districts.

Referred to the Committee on Local Legislation.

Mr. Clopton, by leave—

A bill relative to contracts for fertilizers.

Referred to the Judiciary Committee.

Mr. Levey, by leave—

A bill to repeal section two of the act to authorize the county of Montgomery to issue bonds.

Referred to the Committee on Ways and Means.

Also, to authorize probate judges to publish quarterly exhibits of liens, mortgages and other recorded evidences of indebtedness.

Referred to the Judiciary Committee.

By leave, Mr. McAfee, from the Judiciary Committee, reported favorably, with amendment, to the bill

For the protection of unfortunate females, and to prevent their being worked on the streets of the towns and cities of the State in punishment for the violation of town or city ordinances.

Amendment adopted, report concurred in, and bill passed.

Also, adversely to the bill

To protect agricultural laborers in their just possessions.

Mr. Walker moved to recommit the bill.

Lost.

The adverse report of the committee was concurred in.

Mr. McAfee, from the Judiciary Committee, reported favorably to the bill

To amend section 2326 (2875) of the Revised Code of Alabama.

Ordered to a third reading on to-morrow.

Mr. McAfee, from the select committee on the bill

To authorize J. D. Alexander and William L. Anderson, administrators of the estate of J. M. Alexander, deceased, late of Marengo county, to divide or sell for a division, at private sale, certain lands belonging to said estate,

Reported adversely thereto.

Mr. Threat moved to recommit the bill to the Judiciary Committee.

The motion was agreed to.

Mr. McAfee, from the Judiciary Committee, reported adversely to the bill

To repeal section two of an act in relation to the issue of bonds by counties in aid of railroads.

Concurred in.

Also, adversely to the bill

To prevent and punish frauds.

Concurred in.

Also, adversely to the bill

In relation to grand and petit jurors in this State.

Recommitted.

Also, adversely to the bill

To amend the election law of April 23, 1873.

Concurred in.

Mr. Lawrence, from special committee to wait on the

Board of Health, made a partial report, and asked for further time;

Which was granted.

On motion of Mr. Lewis,

The House adjourned until Monday next, at 10 o'clock A. M.

MONDAY, Nov. 24, 1873.

The House met pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Barton, Brewer, Broadnax, Brown of Jackson, Brown of Tuskaloosa, Bruce, Carson, Chapman, Clarke of Barbour, Clarke of Perry, Clopton, Cloud, Cowan, Crawford, Corsbie, Davis, Donoho, Dotson, Dozier, Dustan, Ellsworth, Fantroy, Franklin, Galaspie, Greene of Hale, Greene of Jefferson, Hannon, Howell, Hunter, Johnson, Jones of Madison, Kelly, Lamb, Lawrence, Lee, Levey, Lewis, Lovvorn, McCoy, McHugh, Mancill, Mathews, Maull, Millen, Moss, Murphree, Musgrove, Patterson of Ahtauga, Patterson of Macon, Peddy, Purcell, Reed, Reese, Renfroe, Simpson, Slater, Smith of Bibb, Smith of Morgan, Smith of Tallapoosa, Smith of Dallas, Speed, St. Clair, Stallworth, Steel of Madison, Steel of Montgomery, Stribling, Taylor of Lauderdale, Taylor of Sumter, Threat, Thomas, Treadwell, Vaughn, Walker, Whatley, Weatherford, White of Clay, Wilkinson, Williams of Barbour, Williams of Montgomery.

A quorum being present,

The Journal of Saturday, the 22d inst., was read and approved.

Leave of absence was granted Messrs. Boyd, McAfee, Goldsby, Jones of Lee, and St. Clair.

Mr. Lawrence submitted the following report, which was received and adopted:

#### REPORT.

*Mr. Speaker:*

Your committee, appointed to confer with the Board of



Health of this city upon the sanitary condition of the city, especially in reference to the recent epidemic which prevailed within its limits, beg leave to report that, at a called session of the Board on the 22d inst., it laid before the Board the object of its embassy, and the following facts were elicited :

1st. That there are at this time four or five cases of yellow fever in this city, all of which, however, are convalescing.

2d. That there have been no new cases within the last ten days.

3d. That there have been no new cases since the proclamation of the Board of Health, dated November 1st, except with persons who had been previously exposed to the epidemic influence.

4th. That out of the thousands who left the city and have returned since the said 'pronunciamento' of the Board, none, within the recollection of the Board, who had not been previously exposed to the epidemic influence, have contracted the disease.

These are the statements made by the Board of Health at the conference in question.

The committee would beg leave to state that the high character, social and professional, of the distinguished gentlemen who compose the Board, is a strong guarantee of the correctness of their statements in the premises ; but, at the same time, it feels it to be its duty to state, it is not impossible for the fever to be again propagated from the existing cases as new centres of infection, or from the occupancy of rooms recently inhabited by fever patients.

The Board of Health, while it admits that the fever was first brought to this city and propagated by contagion, is of opinion that, under the different meteorological conditions which now prevail, no danger need be apprehended from these sources. As this is a question beyond the reach of medical skill to determine, and one, too, the discussion of which is beyond the scope of our instructions, we leave its decision to the judgment of the House.

The committee would take the occasion to express its thanks and obligations to the Board of Health for the very kind and courteous manner in which it was received, and for the free and frank manner in which its inquiries were answered by the same, and at the same time to con-

vey to the House the pleasure the Board expressed in thus communicating with, or that it would at any time feel in communicating with the General Assembly, upon the sanitary condition of the city, &c.

All of which is respectfully submitted.

G. W. LAWRENCE,

ROB'T S. GREENE,

W. W. WEATHERFORD,

Committee.

By Mr. Thomas—

A joint resolution in relation to memorializing Congress on the subject of education.

Adopted.

#### CALL OF COUNTIES.

By Mr. Clarke of Barbour—

To establish a voting precinct at Kilpatrick's store, Scroggins' beat, in Barbour county.

Referred to Committee on Local Legislation.

Also, to amend the act incorporating the town of Clayton, in Barbour county.

Referred to Committee on Corporations.

Also, for the relief of the treasurer of Barbour county.

Referred to Committee on Finance.

Also, to authorize Shadrach Johnson to peddle in the counties of Barbour, Bullock, Henry and Dale.

Read twice.

Mr. Wilkinson moved to amend by striking out Dale county.

Accepted.

Mr. Millen moved to amend by striking out the county of Bullock.

Accepted.

Mr. Purcell moved to amend by striking out Henry county.

Accepted.

Mr. McCoy moved to amend by applying the provisions of the bill to Joseph Abernathy, allowing him to peddle in Chambers and Randolph counties.

Mr. Cowan moved to refer the bill and amendment to Committee on Ways and Means.

Agreed to.

By Mr. Williams of Barbour—

To amend section 39 of the city charter of Enfaula.  
Referred to the Committee on Corporations.

By Mr. Fantroy—

To increase the revenue of this State.

Read twice.

Mr. Johnson moved to strike out Dallas county.

The bill and amendment were referred to committee on  
Ways and Means.

By Mr. Mathews—

#### JOINT RESOLUTION.

WHEREAS, There has been for some time an epidemic in the city of Montgomery ; and

Whereas, The same epidemic still prevails in the city of Montgomery ; and whereas, the city council of Opelika has invited the present General Assembly or session of the Legislature of the State of Alabama, to hold its present session in that city, and have offered suitable buildings for both branches of the General Assembly, free of charge ; therefore,

*Be it resolved by the House of Representatives (the Senate concurring,) That this House do now adjourn, to assemble in the city of Opelika, on the 27th of November, 1873.*

Mr. Ellsworth moved to lay the resolution on the table.

Carried.

Mr. Lawrence, chairman of the Committee on Enrolled Bills, reported as correctly enrolled—

A bill to be entitled an act to require the justices of the peace of Chambers and Cleburne counties to act as apportioners and supervisors of public roads in their respective beats, approved December, 1871, so far as the same relates to the county of Chambers.

The report was accepted.

By Mr. Galaspie—

To compel certain persons in Blount county to work on the public roads in said county.

Read twice.

Amendments were offered to include the counties of Dallas, Hale, Elmore and Autauga ;

Which, together with the bill, were referred to Judiciary Committee.

By Mr. Lawrence—

To promote the safety of travelers upon railways in this State.

Referred to Committee on Internal Improvements.

By Mr. Renfree—

To change the boundary line between the counties of Calhoun and Cleburne.

Passed.

By Mr. Slater—

To repeal the act in relation to the fine and forfeiture fund of Tuskaloosa county, and other counties therein named, so far as the same relates to the county of Choctaw ;

Read twice.

Mr. Galaspie moved to include the county of Blount.

Accepted, and

The bill as amended was read a third time and passed.

By Mr. Corsbie—

For the relief of William Dickson, of Colbert county.

Referred to Committee on Local Legislation.

By Mr. Stallworth—

To change the line between the counties of Covington and Conecuh.

Referred to Committee on Counties and County Boundaries.

Also, to regulate the payment of county taxes in Conecuh county.

Read twice.

Mr. Barnett moved to amend by adding the county of Marion.

Accepted.

Mr. Purcell moved to include Henry county.

Accepted.

Mr. Treadwell moved to include Russell county.

Accepted.

Mr. Slater moved to include Choctaw county.

Accepted.

Mr. Clarke of Perry moved to include Perry county.

Accepted.

Mr. Murphree moved to include Pike county.

Accepted, and

The bill as amended was referred to the Committee on Finance.

Also, to lay off the county of Conecuh into four commissioners districts.

Passed.

By Mr. Mancill—

To establish a toll-bridge across the Conecuh river, in Covington county.

Referred to Committee on Public Roads and Highways.

By Mr. Broadnax—

To regulate the publication of legal notices in the county of Crenshaw.

Passed.

Also, to repeal the act requiring the commissioners courts to publish semi-annual exhibits of the receipts and expenditures of money for and on account of their respective counties, approved August 12, 1868, and to repeal sections 117 and 118 of the revenue laws of the State of Alabama, approved December 31, 1868, so far as the same relates to the county of Crenshaw.

Passed.

Also, to compel judges and chancellors to discharge their official duties.

Referred to Judiciary Committee.

Also, for the relief of the Alabama Central Railroad Company.

Referred to Committee on Ways and Means.

Also, supplementary to the act for the punishment of crimes.

Referred to Judiciary Committee.

The committee on so much of the Governor's message as relates to the Insane Asylum, consists of Messrs. Bruce, Moss, Crawford and Musgrove.

By Mr. Johnson—

To amend section 4062 of the Revised Code.

Referred to Judiciary Committee.

Mr. McCoy offered the following resolution, which was adopted.

*Resolved*, That the Committee on Printing be instructed to inquire into and report the amount of printing done for the State during the year 1873, and the prices charged for and paid for the same.

By Mr. Mathews—

To protect and encourage farming in this State.

Read twice and laid on the table.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
 Nov. 24, 1873. }

*Mr. Speaker :*

The Senate has concurred in the House joint resolution—

In relation to W. C. Bibb's steam traction engine.

Committee on part of the Senate, Messrs. Wilson, Hamilton and Doster.

And has originated and passed bills with the following titles:

Declaring the lands of Mitchell Davis, of Cherokee county, which are divided by the line dividing the counties of Cherokee and Etowah, to be deemed and held, as being in Cherokee county.

To authorize Orcine D. Rutledge, of Choctaw county, to redeem certain lands sold for taxes and purchased by the State.

To repeal an act to require the court of county commissioners to publish semi-annual exhibits of the receipts and expenditures of money for and on account of their respective counties, and to repeal all laws requiring the publication in newspapers of such exhibits.

For the relief of R. U. L. Watson, of the county of Wilcox.

To repeal an act entitled an act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence, approved March 3d, 1870, so far as the same relates to the counties of Jefferson and Walker.

MIKE L. WOODS,  
 Sec'y. of Senate.

## SPECIAL ORDER.

The hour of 12 M. having arrived, the special order for that hour, viz: the bill for the protection of agriculturists in Conecuh, Clarke, Monroe, Choctaw, Henry, Pike, Butler, and Marshall, was taken up and con-

sidered—the pending question being on the adoption of the motion of Mr. Anderson of Mobile, to make the bill general in its application.

Pending debate by Messrs. Brown of Tuskaloosa, Parsons, Cockrell and Bruce.

On motion of Mr. Merriwether—

The House adjourned to 10 o'clock to-morrow.

TUESDAY, NOV. 25, 1873.

The House met pursuant to adjournment.

The roll was called and the following members answered to their names:

Messrs. Speaker, Anderson, Ash, Barrow, Barton, Boyd, Brewer, Broadnax, Brown of Jackson, Brown of Tuskaloosa, Bruce, Carson, Chapman, Clark of Barbour, Clarke of Perry, Clopton, Cloud, Cowan, Crawford, Corsbie, Davis, Donoho, Dotson, Dozier, Dustan, Elliott, Ellsworth, Fantroy, Franklin, Galaspie, Goldsby, Greene of Hale, Greene of Jefferson, Hannon, Howell, Hunter, Johnson, Jones of Madison, Kelly, Lamb, Lawrence, Lee, Levey, Lewis, Lovvorn, McAfee, McCaskie, McCoy, McHugh, Mancill, Mathews, Maull, Millen, Meriwether, Moss, Murphree, Musgrove, Patterson of Autauga, Patterson, of Macon, Peddy, Purcell, Reed, Reese, Renfroe, Simpson, Slater, Smith of Bibb, Smith of Morgan, Smith of Tallapoosa, Smith of Dallas, Speed, St. Clair, Stallworth, Steel of Madison, Steel of Montgomery, Stribling, Taylor of Lauderdale, Taylor of Sumter, Threat, Thomas, Treadwell, Vaughn, Walker, Whatley, Weatherford, White of Clay, Wilkinson, Williams of Barbour, and Williams of Montgomery.

A quorum being present the Journal of yesterday was read and approved.

Mr. McCoy, Chairman of the Select Committee, made the following report:

The special committee to whom was referred the resolution to revise rule seventh of the rules of the House, beg leave to report that they have had the same under consideration according to the order of the House; and offer the following as a substitute.

## RULE SEVENTH.

If any member in speaking or otherwise transgress the rules of the House, the Speaker shall, or any member may call him to order, in which case the member so called to order shall immediately sit down, and in case said member refused to sit down, the Speaker shall require the Sergeant-at-arms to seat him; then the member so seated shall be allowed to explain or apologize for his conduct, and if it be satisfactory to the House, the member shall be at liberty to proceed: if otherwise, and the case require it, he shall be liable to the censure of the House.

Mr. Hunter moved that the report be received and adopted.

Mr. Clarke of Perry, moved as an amendment that the report be received and lie on the table.

Mr. Hunter withdrew his motion, and the motion made by Mr. Clarke was agreed to.

By Mr. Simpson—

To regulate the disposition and management of the bequest made by James Wallace, deceased, late of Lawrence county, for the benefit of free public schools in township seven, range nine, west, of said county.

Passed.

Also, to amend the act to secure complete records in the courts of this State.

Referred to the Judiciary Committee.

Also, to authorize the probate judge of Lawrence county to appoint William K. Wallace, guardian of his children.

Referred to the Judiciary Committee.

Also, joint resolution to amend the constitution of the State by striking out so much and such parts thereof as establish the Board of Education.

Lies over under the rule for second reading to-morrow.

Also, to amend the constitution by striking out sections one and two, of articles 14, [these are the sections creating exemptions of real and personal property to the heads of families in the State.]

Lies over under the rules for second reading to-morrow.

Also, to amend the constitution so as to make legislative sessions biennial instead of annual.



Lies over under the rule for second reading to-morrow.

Also, for the protection of the farmer and stockowners. [Gives a lien upon all foals until they are one year old to the owner of the jack or stallion siring said foal.]

\*Referred to Committee on Ways and Means.

Also, to authorize the commissioners court of Lawrence county to levy a tax on all dogs in said county.

Referred to Committee on Education.

Also, for the protection of farmers and stock raisers in Lawrence county.

Referred to Committee on Ways and Means.

#### REPORTS OF JUDICIARY COMMITTEE.

Mr. McAfee, chairman, reported favorably to the bill to enable private corporations chartered under the laws of this State to surrender their charters and settle their corporate affairs.

Passed.

Also, adversely to the bill to regulate the sale of property under power of sale in mortgage or deed of trust.

Concurred in.

Also, adversely to the bill to define the duties and fix the compensation of warehouses and places of like kind.

Concurred in.

Also, adversely to the bill to compel certain railroad companies to report the condition of their several companies.

Laid on the table.

By leave, Mr. McAfee introduced a bill to amend the act to prohibit liquor sales within one mile of Chocoloeco bridge on the Truss' ferry road in Talladega county.

Passed.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, {  
November 25, 1873. }

*Mr. Speaker :*

The Senate has originated and passed bills with the following titles :

To require all fines and forfeitures to be collected and paid over in the legal currency of the United States, in the following counties to-wit:

Cherokee, Etowah, Fayette and Sanford, and fixing the penalties for its violation.

To prohibit the sale or giving away of spirituous liquors within five miles of Sulphur Springs church, Cane Creek church, Oak Bowery church, Mount Zion church, and Hebron church in Calhoun county, and Blue Eye church, Refuge church, Patton's Chapel church, Bethel church, Forrest Hill church, and the Colored Peoples church (near Forrest Hill,) in Talladega county Alabama.

To extend the time of holding the circuit court of Limestone county.

To repeal an act entitled an act to authorize the several counties, towns and cities of the State of Alabama, to subscribe to the capital stock of such railroads, throughout the State as they may consider most conducive to their respective interests, approved December 31st, 1868, so far as the same relates to the counties of Jefferson and Walker.

To amend section 3470 of the Revised Code,  
And has adopted a

#### JOINT RESOLUTION

In relation to the act passed by the Congress of the United States—entitled an act to establish a uniform system of bankruptcy throughout the United States, approved March 2d, 1867.

MIKE L. WOODS,  
Sec'y. of Senate.

There being no other business directly before the House,

The Speaker *pro tem.*—Mr. Clarke of Perry in the chair, ruled that the bill for the protection of agriculturalists, &c., and amendments thereto being a special order for 12 M., the consideration might at once be proceeded with.

The House then took up the bill the pending question being the amendment offered by Mr. Anderson, to strike out of section one. the counties of Conecuh, Monroe, Clarke, Choctaw, Henry, Pike and Butler.

Mr. Cochran asked to be excused from serving on joint committee on traction engine :

Which was granted.

Mr. Steel of Montgomery, moved to amend the bill by additional section requiring the shop keeper or purchaser to give the seller a correct and complete record of the entry made by the seller.

Mr. Merriwether moved to table the amendmendments.

Lost—ayes 43, noes 43.

Those voting in the affirmative are—

Messrs. Barton, Brown of Jackson, Bruce, Carson, Clarke of Barbour, Clarke of Perry, Cloud, Cochran, Cowan, Davis, Dozier, Dotson, Ellsworth, Fantroy, Franklin, Goldsby, Greene of Hale, Greene of Jefferson, Hawkins, Johnson, Jones of Madison, Lewis, Lovvorn, McAfee, Mathews, Maull, Millen, Merriwether, Patterson of Macon, Reed, Reese, Simpson, Smith of Dallas, Speed, St. Clair, Steel of Madison. Taylor of Sumter, Threat, Thomas, Treadwell, Walker, Williams of Barbour, Williams of Montgomery—43.

Those voting in the negative are :

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Boyd, Brewer, Broadnax, Brown of Tuskalooza, Clifton, Crawford, Corsbie, Donoho, Elliott, Galaspie, Hannon, Howell, Kelly, Lamb, Lawrence, Lee, McCoy McHugh, Moss, Murphree, Musgrove, Patterson of Autauga, Peddy, Purcell, Renfroe, Slater, Smith of Bibb, Smith of Tallapoosa, Smith of Morgan, Stallworth, Steel of Montgomery, Stribling, Taylor of Lauderdale, Vaughn, Whatley, Weatherford, White of Clay, Wilkinson—43.

Mr. McCaskie was excused from voting.

Mr. Williams of Barbour, moved to lay the bill and amendments on the table.

On the latter motion the vote was taken by yeas and nays and resulted as follows :

Those voting in the affirmative are—

Messrs. Barton, Bruce, Carson, Clarke of Barbour, Clarke of Perry, Cloud, Cochran, Dotson, Dozier, Ellsworth, Fantroy, Goldsby, Greene of Hale, Hawkins, Johnson, Jones of Madison, Lewis, Lovvorn, Mathews, Maull, Millen, Merriwether, Patterson of Macon, Reed, Reese, Simpson, Smith of Dallas, Speed, St. Clair, Steel of Madison, Smith of Dallas, Taylor of Sumter, Threat,

Thomas, Treadwell, Walker, Williams of Barbour, Williams of Montgomery—38.

Those voting in the negative are—

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Boyd, Brewer, Broadnax, Brown of Jackson, Brown of Tuskaloosa, Clopton, Cowan, Crawford, Corsbie, Donoho, Elliott, Franklin, Galaspie, Hannon, Howell, Kelly, Lamb, Lawrence, Lee, McCoy, McHugh, Moss, Patterson of Autauga, Peddy, Purcell, Renfroe, Slater, Smith of Bibb, Smith of Morgan, Smith of Tallapoosa, Stallworth, Steel of Montgomery, Stribling, Taylor of Lauderdale, Vaughn, Whatley, Weatherford, White of Clay and Wilkinson.—46

So the motion to lay on the table was not agreed to.

The Speaker appointed Mr. Moss as a member of the committee on Joint Resolution of Traction Engine in place of Mr. Cochran.

Mr. Anderson moved to refer the bill and amendments to a select committee of seven.

Mr. Ellsworth moved to indefinitely postpone the bill and amendments.

The vote was taken by yeas and nays and resulted as follows :

Those voting in the affirmative are :

Messrs. Barton, Bruce, Carson, Clarke of Barbour, Clarke of Perry, Cloud, Cochran, Dotson, Dozier, Ellsworth, Fantroy, Goldsby, Greene of Hale, Johnson, Jones of Madison, Lewis, Mathews, Maull, Merriwether, Patterson of Macon, Reed, Reese, Simpson, Smith of Dallas, Speed, St. Clair, Steel of Madison, Taylor of Sumter, Threat, Thomas, Treadwell, Walker, Williams of Barbour, Williams of Montgomery.

Yeas, 35.

Those voting in the negative are—

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Boyd, Brewer, Broadnax, Brown of Jackson, Brown of Tuskaloosa, Clopton, Cowan, Crawford, Corsbie, Donoho, Elliott, Franklin, Galaspie, Hannon, Hawkins, Howell, Kelly, Lawrence, Lee, McCoy, McHugh, [Murphree, Musgrove, Peddy, Purcell, Renfroe, Slater, Smith of Bibb, Smith of Morgan, Smith of Tallapoosa, Stallworth, Steel of Montgomery, Stribling, Taylor of Lauderdale, Vaughn, Whatley, Weatherford, White of Clay, Wilkinson.

Nays, 44.

So the motion to indefinitely postpone was not agreed to. Mr. Merriwether moved to adjourn until to-morrow morning at 10 o'clock.

The motion was not agreed to, so the House refused to adjourn.

Mr. Anderson moved to make the bill a special order for 11½ o'clock to-morrow morning, and that the House adjourn until 10 o'clock to-morrow, which motion was agreed to.

---

WEDNESDAY, Nov. 26, 1873.

The House met pursuant to adjournment.

The roll was called and the following members answered to their names.

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Barton, Boyd, Brewer, Brown of Jackson, Brown of Tuskaloosa, Bruce, Carson, Chapman, Clarke of Barbour, Clarke of Perry, Clopton, Cloud, Cowan, Crawford, Corsbie, Donoho, Dotson, Dozier, Draxler, Dustan, Elliott, Ellsworth, Fantroy, Franklin, Galaspie, Goldsby, Greene of Hale, Greene of Jefferson, Hamilton, Hannon, Hawkins, Howell, Hunter, Johnson, Jones of Madison, Kelly, Lamb, Lawrence, Lee, Levey, Lewis, Lovvorn, McAfee, McCaskie, McCoy, McHugh, Mancill, Masterson, Mathews, Maull, Millen, Merriwether, Moss, Murphree, Musgrove, Patterson of Autauga, Patterson of Macon, Peddy, Purcell, Reed, Reese, Renfroe, Simpson, Slater, Smith of Bibb, Smith of Morgan, Smith of Tallapoosa, Smith of Dallas, Speed, St. Clair, Stallworth, Steel of Madison, Steel of Montgomery, Stone, Stribling, Taylor of Lauderdale, Taylor of Sumter, Threat, Thomas, Treadwell, Vaughn, Walker, Whatley, Weatherford, White of Clay, Wilkinson, Williams of Barbour, Williams of Montgomery.

A quorum being present,

The journal of yesterday was read and approved.

Leave of absence was granted Mr. Lewis of Perry for one day.

## CALL OF COUNTIES.

Mr. Weatherford—

For the relief of the widow and minor heirs of Wm. Matthews, late of Franklin county, deceased.

Referred to the Judiciary Committee.

Also, to regulate the publication of legal notices in the county of Franklin.

Referred to Committee on Public Printing.

## BY LEAVE,

Mr. Bruce introduced a joint resolution directing the reference of all bills relating to finance, &c., to the joint Committee on Finance heretofore raised.

Adopted.

Mr. Murphree introduced a resolution relating to the payment of the unpaid agents of the swamp and overflowed lands.

Referred to a select committee of five, with Mr. Anderson of Mobile as chairman.

Mr. Goldsby—

To compensate the sheriff of Dallas county for summoning witnesses to appear before the grand jury.

Referred to the Ways and Means Committee.

Mr. Smith of Tallapoosa—

To increase the public school fund of this State.

Read twice.

Amendments were offered to exclude Dallas, Lowndes, Sumter, Montgomery, Hale, Marengo and other counties, and the bill and amendments were referred to the Committee on Education.

Mr. Hunter introduced a resolution authorizing the Committee on the Judiciary to send for persons and papers in the matter of the contest for the seat of Mr. Cochran, instituted by Datus E. Coon of Dallas county.

Adopted.

## CALL OF COUNTIES RESUMED.

Mr. Musgrove—

To incorporate the town of Vernon in the county of Sanford.

Referred to Committee on Corporations.

Mr. Greene of Hale—

To provide a suitable house for paupers in the county of Hale.

Referred to Committee on Local Legislation.

Mr. Brown of Jackson—

To repeal Chap. IV, Title I, Part III, and Sections 2747, 2848, 2849, 2850 and 3236 of the Revised Code of Alabama.

Referred to the Judiciary Committee.

Also, to prohibit the sale of malt liquors in the vicinity of the town of Bellefonte in Jackson county.

Referred to Committee on Local Legislation.

Mr. Taylor of Lauderdale—

To secure a more thorough assessment of real property in this State.

Referred to the Ways and Means Committee.

Also, to amend section 7 of the act "to keep in each county of the State a proportionate share of the public school money," approved April 19, 1873.

Passed.

Mr. Simpson—

To authorize the issue of 6 per cent. interest bearing State certificates to the amount of one million dollars.

Read twice.

Mr. Levey moved to amend by striking out the words "official organ of the State" from the sixth section, and the bill and amendment were referred to the Joint Committee on Finance.

Mr. Anderson—

To provide for assignments of error in fact as well as in law on all appeals to the Supreme Court in Chancery cases.

Referred to the Judiciary Committee.

The hour of 11:30 having arrived, the special order for that hour, viz : the bill for the protection of agriculturists in certain counties was taken up, the pending question being upon the adoption of the amendment proposed by Mr. Anderson as amended by the amendment of Mr. Steel of Montgomery.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, )  
Nov. 26, 1873. )

*Mr. Speaker :*

The Senate has passed without amendment, the following House bills :

To repeal an act entitled an act to regulate the fees of Notaries Public and Justices of the Peace for Wilcox county, and to provide for the payment of the same in certain cases.

To legitimate the children of Anna Jones before her marriage with Josiah Jones of Covington county.

To repeal an act to consolidate the office of tax assessor and collector of Covington county.

To prohibit the sale or otherwise disposing of spirituous, vinous or malt liquors within two and one half miles of Choctaw Camp Ground, in Choctaw county, at certain times therein named.

To repeal section 1374 of the Revised Code of Alabama so far as relates to the county of Randolph.

To authorize the Court of County Commissioners of Covington county to levy a special tax for the payment of grand and petit juries.

To prevent the sale of vinous or spirituous liquors, or intoxicating bitters, in three miles of Piney Grove Church and School House in Morgan county.

To amend section 2 of an act to incorporate the town of Guntersville, in the county of Marshall.

For the protection of unfortunate females and to prohibit their being worked on the public streets of the several incorporated towns and cities of this State as a means of punishment for the violation of city or town ordinances.

And with amendment, House bills :

To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous, or malt liquors, intoxicating bitters, or other intoxicating beverages within three miles of Enon Presbyterian Church, in Jefferson county.

To abolish the Court of Quarter Session of Wilcox county, and to transfer all the causes therein pending both civil and criminal, together with all the dockets,



papers and books of said Court of Quarter Sessions to the Circuit Court of Wilcox county, Alabama.

And without amendment, House

#### JOINT RESOLUTIONS

Instructing our Senators and Representatives in Congress to use their influence to secure to the State amount due from the United States on account of the claim of 5 per cent. on the lands within the State taken up by land-warrants issued by the United States.

And has adopted the following House

#### JOINT RESOLUTIONS.

Resolution of thanks to the city authorities of Opelika, Birmingham and Talladega.

Raising joint committee to invite and receive the Committee of the United States Senate, appointed to inquire into the practicability of making certain rivers navigable, &c.

Instructing the Joint Finance Committee to inquire into the cause of the depreciation of the State notes, known as the Patton money, &c.

And has concurred in House amendment to Senate

#### JOINT RESOLUTION,

Raising a joint committee to investigate and report what officers and employes of the General Assembly may be dispensed with.

And has originated and passed a bill—

For the relief of Thomas A. Jones of Lee county.

MIKE L. WOODS,  
Sec'y of Senate.

Pending Mr. Clarke's remarks,

The hour of 12 M. arrived, and the civil rights bill being the special order for that hour, the further consideration of the agricultural bill was, on motion, postponed and made the special order for 12 o'clock next Monday.

#### THE CIVIL RIGHTS BILL.

Mr. McAfee, from the Judiciary Committee, reported favorably to the civil rights bill.

Report accepted.

Mr. Boyd, by leave, submitted the following minority report from said committee :

# REPORT.

*Mr. Speaker :*

The undersigned, members of the Committee on the Judiciary, to which was referred the bill entitled "An act to protect all citizens in this State in the enjoyment of all their rights," not being able to concur in the report of the majority, ask leave to present, briefly, their objections to the bill, and the reasons which, in their judgment, are sufficient to induce the House to refuse to pass it:

1. The bill prescribes a punishment for an offense which is not defined by the common law or in our penal code, and which in this bill itself is vague, uncertain and indefinite.

2. The tendency of the bill is to increase the antagonism between the two races inhabiting the country ; and by carrying the contests and jealousies arising out of this cause into the courts of justice, to make them scenes of strife and battle.

3. If this bill shall become a law, the conviction of offenders, or the failure to convict, must depend on the prejudice, or political bias of the court and jury trying the cases ; and, consequently, the greatest effort will be made to elect party judges, and to pack juries, on this single question of the difference of races.

4. And because it prescribes as a minimum penalty a fine or imprisonment that may, in many cases, be excessive ; and because it offers a proportionate share of the fine that may be imposed as compensation to the county solicitor for prosecuting the cause, whereby unjust prosecutions may be stimulated for mercenary purposes.

5. In every aspect in which we can view this bill, it is incapable of effecting any good, or of giving satisfaction, even to those who desire its passage, but will be productive, so far as it has any power, of evil only.

D. C. ANDERSON,  
LEWIS M. STONE,  
R. K. BOYD.

Mr. Anderson moved to lay the report of the committee on the table, and order 125 copies of the bill printed for the use of the House.

Williams of Montgomery moved to amend by making the bill the special order for Tuesday next, and for each day thereafter until the same can be disposed of.

Accepted.

Mr. Boyd moved to amend by inserting "Saturday" in lieu of "Tuesday."

Lost.

Mr. Cowan called for a division of the question.

The motion to make the bill the special order for next Tuesday, at 1 P. M., and from day to day thereafter until disposed of, was then put and carried.

Mr. Cloud moved to include the minority report in the order to print.

Agreed to.

Mr. White moved to postpone the whole matter until the 16th day of December next.

Ruled out of order.

#### MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA.  
EXECUTIVE DEPARTMENT,  
Montgomery, Nov. 25, 1873. }

*Mr. Speaker :*

I am directed by the Governor to communicate to the House of Representatives a message in writing.

Respectfully,

CHAS. J. ATKINSON,  
Recording Secretary.

#### REPORT.

*To His Excellency,*

D. P. LEWIS,

*Governor of Alabama :*

SIR—As Receiver of the lands of the Alabama and Chattanooga Railroad Company, and in accordance with your request, I have the honor to inform you that I have carefully examined the statement of sales of said lands,

officially submitted and certified to by the late Commissioner, appointed by said Railroad Company, for the sale of lands, and find the matter stands as follows:

Total acreage of land sold.....	27,520 acres.
Purchase price { Cash.....	\$33,447 97
Notes.....	49,120 92
	<hr/> \$81,488 89

The late Commissioner, David J. Duffy, states that the cash so received was accounted for to J. C. Stanton, Superintendent of the Railroad, and that he holds the notes himself as a lien for his commissions on the sale of said lands. I may mention that although I have applied to said Duffy by order of court for all books, papers, notes and maps belonging to or connected with the lands, he has steadily refused to give them up, and as he resides in Chattanooga, and is not in the jurisdiction of the State court, I have been hitherto unable to obtain them. I have further to state, that I have good reason to believe the said Commissioner, in selling these lands, has retained an interest in the more valuable portion of them, and I know that more than one of the sub-agents appointed by Duffy to aid him in the sales hold large and valuable tracts of mineral lands in close proximity to the railroad. It would be invidious for me to select and present in this report the names of the parties referred to, but I am in a position to do so, if required, either by your Excellency or a committee of the Legislature. Having deemed it my duty during the course of my receivership to make myself familiar with said lands by personal inspection, I have no hesitation in saying that, while some of the purchases have been made for bona fide settlement and for agricultural purposes, a still larger portion of them have been carefully selected and purchased for speculation purposes, and are very valuable coal and iron lands. As an illustration of the reckless manner in which such sales have been made in utter disregard of the public interest, I would mention that while the lands sold for actual settlement, consisting of small tracts of forty to eighty acres, have been sold at an average of \$2 50 per acre, considerable bodies of land have been sold to favored individuals, consisting of coal and iron lands, at the same price, and in no case has more than four dollars per acre been obtained for the choicest portion of them, thus showing that there must have been either careless-

ness or incompetency on the one hand, or a total disregard of the interest of the railroad and the State on the other. In view of the considerable demand for mineral lands that has sprung up within the past two years, and which I have no doubt will continue and increase, along the Alabama and Chattanooga Railroad, perhaps your Excellency would permit me to suggest that a competent person, familiar with mineral lands, be appointed to offer said lands to the public and sell them on commission. A central office opened at Birmingham would be convenient for such purpose. This would entail no expense on the State, and at the same time a very considerable amount would, in the next two or three years, be placed in the treasury to the credit of the bonds, as required by law. In this connection it may not be out of place to state that between two and three hundred thousand dollars has been obtained for private sales of mineral lands (within the area allotted to the A. & C. R. R.,) during the last two years. This fact is within my own knowledge and extends to the counties of Jefferson, Tuscaloosa and Bibb. There have been sales also in other counties skirting the railroad, the particulars of which I am not familiar with, but the aggregate is probably not less than four hundred thousand dollars for the period named. Repeated inquiries have been made of me, not only in Alabama, but from the Northern States and Europe, as to the prospective sale of these lands, and I have no doubt whatever, if properly advertised, they could be sold within the next five years, and with advantage to the State. In conclusion, I beg to inform your Excellency that I have a detailed statement of all the lands sold, to whom sold, quantity, price, township, section and range. All of which is at your Excellency's service when required.

I have the honor to be,

Your obedient servant,

JAMES L. TAIT.

Montgomery, Nov. 21, 1873.

*To His Excellency,*

DAVID P. LEWIS,

*Governor of Alabama:*

SIR—In accordance with your request as per your favor of the 24th instant, I have the honor, as Receiver

of the lands of the Alabama and Chattanooga Railroad, to submit a detailed statement of the lands professing to be sold by the late commissioner of lands of said railroad for the information of the General Assembly.

The lands sold are situated along the line of the railroad; many of them are in close proximity to the road, and all of them are within the six mile limit of the allotment.

The following lists will show the amount of lands purchased in each county, the names of the principal purchasers, the amounts respectively of mineral and agricultural lands sold, and the price per acre paid, together with an approximate idea of the real value of mineral lands purchased:

#### LANDS SOLD.

Jefferson county.....	17,080 acres.
DeKalb        ".....	6,160    "
Etowah        ".....	2,920    "
St. Clair     ".....	1,000    "
Tuskaloosa   ".....	320      "
Bibb          ".....	40       "
	<hr/>
	27,520 acres.

Of the above mentioned average, I estimate the mineral lands at 17,760 acres, and the agricultural lands at 9,780 acres, the first or mineral portion being held by eleven parties for speculative purposes principally, and the remainder purchased for agricultural purposes and actual settlement by 190 settlers.

The mineral lands above referred to are situated principally in Jefferson and DeKalb counties, and are as follows:

Jefferson.....	13,640 acres.
DeKalb.....	4,040    "
Tuskaloosa.....	80       "
	<hr/>
	17,760 acres.

The parties purchasing in Jefferson county, what I deem strictly mineral lands, are as follows:

Joab Bagley.....	160 acres.
Thomas Peters.....	4,320 "
William Miller.....	3,080 "
J. A. Curry.....	5,200 "
Giles Edwards.....	760 "
Samual Tate and associates.....	120 "
<hr/>	
13,640 acres.	

The aggregate amount paid and to be paid for the above valuable body of mineral lands, is \$38,988. or an average of \$2.85 per acre, of which amount about one-fourth is stated to have been paid to the railroad company, and the balance, amounting to \$29,545. is still unpaid, but, I am given to understand, has been secured by notes, which are held by the late commissioner as a lien for his commissions on sales.

In the county of DeKalb, the sale of mineral lands amount to 4,040 acres, as previously stated, and stand in the names of the following parties :

W. J. Harralson.....	1,880 acres.
Juliett Fenton.....	760 "
Clark, Grauf & Co.....	840 "
Standifer & Co.....	560 "
<hr/>	
4,040 acres.	

The purchase price of the above is stated at \$15,660, or rather more than an average of \$3.75 per acre. A large portion of these are coal lands; and the Eureka Mines, operated by Judge Harralson, are situated upon the tract purchased by him, and have yielded a large quantity of excellent coal.

The only purchase of mineral land in Tuscaloosa county, with which I am acquainted, is eighty acres, purchased by Mr. Simons, and although not of large extent, is a very valuable iron property; the price paid was \$2.50 per acre.

Of the lands sold by the commissioner for agricultural purposes, the price was, uniformly, \$2.50 per acre, and, considering that the land was mostly uncleared, I think that might be considered a fair price.

With regard to the real value of the mineral lands sold by the company, it would be impossible to give anything

but a proximate idea, in the absence of a careful and direct inspection and survey of them; but while this is the case, there can be no difficulty at least in arriving at the conclusion that if \$2 50 per acre represents the mere surface value of these lands, thirty-five cents per acre additional cannot be a fair value for the iron and coal thereon and therein. I may mention that I have myself recently purchased some mineral rights of land within one mile of the Alabama and Chattanooga Railroad at \$30 per acre, and this, too, exclusive of the land or timber. I have also reason to believe that as much as \$75 per acre has been paid for mineral land on the line of the railroad in the same locality; but even if we assume that the 17,760 acres of mineral land sold would only average a value of ten dollars per acre, the sale thereof would have amounted to \$177,600 instead of \$55,648, the price for which they were sold, and the balance of \$122,000 would have been saved to the State.

I cannot here refrain from stating to your Excellency my firm conviction, founded not only on my professional knowledge as a geologist and mineralogist but also on a familiar acquaintance with these lands—which I have deemed it my duty to acquire—that the State of Alabama has in them a very valuable possession, and that long before the maturity of the bonds for which they were hypothecated to the State, ten times their present value will not be able to purchase them. When it is considered that a large portion of these lands are embraced in the three coal fields of Alabama, viz: the warrior, the Cahaba and the Coosa coal fields, and that the principal iron deposits of the State literally skirt the Alabama and Chattanooga Railroad, and form a not unimportant portion of the railroad lands, it must be at once apparent that the mere surface value forms a very small per centum of the price that must, at no distant day, be obtained for them.

As I have already stated in my preliminary report, it would be very desirable to offer these lands, both mineral and agricultural, for sale, as from the numerous inquiries that have been made, I think there would be a ready sale for a considerable portion of them, and still more so if advertised in mining centres, where the value of such property is properly estimated and fully known.

It may, also, not be out of place to state that I have full lists of all the lands for sale, and a series of maps



showing the position of every acre of land within the area of the grant, taken from the records and maps at the General Land Office at Washington. Should your Excellency or the General Assembly require any additional information in my power to supply. I shall be most happy to afford it.

I have the honor to be, yours very respectfully,  
JAS. L. TAIT.  
Receiver of Lands.

Mr. McCaskie moved that the message lie on the table and 500 copies with accompanying documents be printed.

The motion was agreed to.

Mr. Boyd moved to amend by striking out "Tuesday" and inserting "Monday."

Ruled out of order; but after argument, the Speaker reconsidered his decision, and ruled that the matter was still open to amendment.

After which Mr. Boyd withdrew his motion;  
And thereupon the amended motion was adopted

#### RESOLUTION.

Mr. Hunter introduced a resolution instructing and requiring the State Treasurer to pay the warrants of the members of the General Assembly and Board of Education in State Certificates when presented for payment.

Read twice.

Mr. McCoy moved to amend by proviso, "that no United States currency be on hand."

Accepted, and the amended resolution was referred to the joint Committee on Finance.

The select committee on the swamp and overflowed lands consists of Messrs. Anderson, Murphree, Dustan, Stone and Bruce.

Mr. McAfee, at his own request, was excused from further service on the committees of Privileges and Elections and the Penitentiary.

Mr. White, from the Committee on Corporations, reported favorably to the bill—

To repeal the act to amend sections two and four of the charter of the city of Greenville.

Recommitted.

Mr. Barnett, by leave, introduced a resolution authorizing the appointment of a select committee of one from

each judicial circuit to inquire whether existing laws afford sufficient time for the holding of the circuit courts of this State, and to equalize the circuits, and report by bill or otherwise.

Adopted.

House bill, amended by Senate—

To abolish the court of quarter sessions of Wilcox county.

The Senate amendment was concurred in.

Mr. Stone, by leave—

To regulate the taxation of insurance companies by municipal corporations.

Referred to Judiciary Committee.

Mr. Anderson, from select committee, reported a substitute for the bill

Authorizing Angus McAllister, administrator of the estate of A. J. McAllister, deceased, to sell lands belonging to said estate.

Substitute adopted, and bill read a third time and passed.

Mr. Bruce, from the Committee on Ways and Means, reported back the bill

To repeal the \$4,000 per mile act,

And asked the reference of same to the Judiciary Committee.

Report adopted, and bill referred to Judiciary Committee.

Also, with an amendment, favorably to the bill

To pay F. M. Davidson, late jailer of DeKalb county, for services rendered.

[Amendment allows \$100 instead of the sum claimed.]

Mr. Parsons (Mr. Cloud in the chair) moved to recommit the bill, with instructions to the committee to report the testimony on which they allowed the \$100 to the claimant.

Agreed to.

By Mr. Walker of Dallas—

A bill to repeal the act of Feb. 16th, 1871, amending the charter of the city of Selma, and to re-enact section seven of the charter of said city.

Referred to Committee on Corporations.

By Mr. Anderson—

For the relief of W. P. Munden, of Perry county.

Referred to the Judiciary Committee.

Leave of absence was granted Messrs. Reed, Carson and Millen.

By Mr. Slater—

To repeal the act prohibiting liquor sales within two miles of Mt. Sterling, in Choctaw county.

Referred to Committee on Local Legislation.

On motion of Mr. Slater,

The House adjourned until 10 A. M. next Friday.

FRIDAY, Nov. 28, 1873.

The House met pursuant to adjournment.

The roll was called and the following members answered to their names :

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Barton, Boyd, Brewer, Broadnax, Brown of Jackson, Brown of Tuskaloosa, Bruce, Carson, Chapman, Clarke of Perry, Clopton, Cloud, Cochran, Cowan, Crawford, Corsbie, Donoho, Dotson, Dozier, Draxler, Dustan, Elliott, Ellsworth, Fantroy, Franklin, Galaspie, Goldsby, Greene of Hale, Greene of Jefferson, Hamilton, Hannon, Hawkins, Howell, Hunter, Johnson, Jones of Madison, Kelly, Lawrence, Levey, Lovvorn, McAfee, McCaskie, McCoy, McHugh, Mancill, Masterson, Mathews, Maull, Millen, Merriwether, Moss, Murphree, Musgrove, Patterson of Autauga, Patterson of Macon, Purcell, Reed, Renfroe, Simpson, Slater, Smith of Bibb, Smith of Tallapoosa, Smith of Dallas, Speed, St. Clair, Stallworth, Steel of Madison, Steel of Montgomery, Stone, Stribling, Taylor of Lauderdale, Taylor of Sumter, Threat, Thomas, Treadwell, Vaughn, Walker, Whatley, Weatherford, White of Clay, Wilkinson, Williams of Barbour, and Williams of Montgomery.

A quorum being present,

The Journal of Wednesday, the 26th inst., was read and approved.

Leave of absence was granted Messrs. Smith of Bibb, Smith of Tallapoosa, Greene of Jefferson, Lee, Clarke of Perry, Williams of Montgomery, Davis Speed, Dozier, St. Clair and Goldsby.

Messrs. Hamilton, Purcell, Masterson, and Weatherford, were excused for past absence on account of past sickness and important business.

The Speaker called attention to a resolution and memorial from the Board of Education ;  
Which was read as follows :

#### RESOLUTION AND MEMORIAL.

*Resolved*, That the President of the Board of Education send to each House of the General Assembly a copy of the following memorial :

#### MEMORIAL

By the Board of Education to the General Assembly of Alabama relative to the free public schools.

*To the Honorable, the Senate and House of Representatives of the State of Alabama :*

Your memorialists, the Board of Education of the State of Alabama, painfully impressed with the embarrassment of the Educational Department of this State, and the complaint of the inefficiency of the free public schools, and fully alive to the importance of remedying evils existing therein, and of securing to the children of the State the benefits of a common school education, respectfully present for the consideration of your honorable bodies some of the causes which have produced this embarrassment, and ask your co-operation in an effort to maintain the schools. The want of money has crippled the Educational Department and led to the suspension of the free public schools throughout the State. This unfortunate condition has not resulted from unwise legislation on the part of the Board of Education, nor from incompetency or unfaithfulness in our school officials, but is chiefly due to the fact that no act has been passed to enforce section ten, article eleven, of the constitution of the State of Alabama, which provides that certain revenues and other school funds therein named, "shall be inviolably appropriated to educational purposes, and to no other purposes whatever."

Since the organization of the present school system in 1868, this provision of the constitution has been disregarded by each successive Legislature. Your honorable bodies have been the first to carry it partially into effect, by enacting a law to retain the greater portion of the

school fund in the several counties subject to the warrants of the Educational Department.

Each year an increasing percentage of the school fund has been diverted from its legitimate use to the defraying of the general expense of the State, which compelled the Board of Education to close the schools for the want of money to pay teachers and officers.

To show the correctness of this position, your memorialists beg leave to submit the following statement of the financial condition of the Educational Department for each year from January 1st, 1870, to the beginning of the present scholastic year.

The apportionment for 1869-70 was.....	\$ 500,407 18
The amount of fund for 1870 paid in 1870 was.....	306,782 99

---

The amount of fund for 1870 unpaid in 1870 was.....	\$ 193,724 19
--	---------------

The apportionment for 1870-1 was.....	\$ 581,389 29
The amount of fund for 1871 paid in 1871 was.....	320,480 97

---

The amount of fund for 1871 unpaid in 1871 was.....	\$ 260,908 32
--	---------------

The apportionment for 1871-2 was.....	\$ 604,978 50
The amount of fund for 1872 paid in 1872 was.....	166,303 29

---

The amount of fund for 1872 unpaid in 1872 was.....	\$ 438,675 21
--	---------------

The apportionment for 1872-3 was.....	\$ 522,810 00
The amount of fund for 1873 paid in 1873 was.....	68,313 93

---

The amount of fund for 1873 unpaid in 1873 was.....	\$ 454,496 17
--	---------------

The apportionment for 1873-4 is.....	\$ 474,346 52
--------------------------------------	---------------

The treasurers' reports for these years show larger amounts than here given, disbursed for educational pur-

poses ; but the excess was used in paying indebtedness for previous years.

In order to show more clearly the absorption and use of the school fund for the general expenses of the State Government, your memorialists desire to call your attention to the indebtedness of the State to the school fund at the end of each scholastic year, from 1869 to 1873 inclusive.

The indebtedness at the end of the year 1869	
was.....	\$ 187,872 49
The indebtedness at the end of the year 1870	
was.....	280,515 50
The indebtedness at the end of the year 1871	
was.....	417,165 40
The indebtedness at the end of the year 1872	
was .....	786,165 40
The indebtedness at the end of the year 1873	
was.....	1,260,511 92

This statement compiled from the official reports of the heads of departments shows a rapidly increasing indebtedness of the State to the school fund, until during the year 1872, when only \$166,303 29 of the apportionment for that year were paid, being little more than the interest on the 16th section fund. A large portion of the poll tax and the entire one-fifth of the taxes for that year, and the special taxes set apart for school purposes, amounting to \$438,675 21 were used for the general expenses of the State.

At the end of the scholastic year of 1872, about \$800,000 were due the school fund. In consideration of this heavy indebtedness unprovided for, of the large amounts of warrants unpaid in the hands of teachers, of the certainty that a less amount would be paid for the year 1873 than had been paid in the year 1872, the Board of Education deemed it their imperative duty to close the schools. They considered it an act of great injustice, not to say dishonesty, to suffer teachers to be employed in public schools, when there was no reasonable prospect of paying them except in warrants at a heavy discount. Moreover, the issue of such a large amount of warrants would not only have depreciated their value, but seriously embarrassed the State.

The propriety and necessity of closing the schools

fully appear when it is considered what would have been the condition of the treasury of the State had warrants to the amount of \$800,000 been issued in addition to those already issued. The entire revenues of the State would not be sufficient to pay these school warrants. Our present financial difficulties would have been aggravated ten-fold.

Your memorialists would impress upon your honorable bodies, that the State is more than two years in arrears to the school fund. The Board of Education is powerless to remedy the condition of the school finances. It is the duty of the General Assembly to place at the disposal of the Board of Education the funds for operating the schools, provided by the constitution.

Your memorialists would repeat that the present condition of the Educational Department is not the result of unwise legislation on the part of the Board of Education, nor of unfaithfulness or inefficiency of school officials, nor of the expensiveness of the administration of the school laws. There has not been a dollar of which they are aware lost by the default of any school officer since January 1st, 1871. The expenses of administering the Department of Education were reduced that year \$42,535. The entire expense of administering the Educational Department, including the disbursement of school money, the salaries of officers and all other expenses paid from the school fund were in the year 1871, only seven per cent of the apportionment; in 1872, only 6 7-10 per cent.; and in 1873, will be less than 6 per cent.

This is as economical an administration of the Educational Department as can be found in any State. It seems hardly practicable to reduce expenses any further. No system probably can be devised which will pay teachers more than 94 per cent. of the fund. The present school system will do this, and would have done it at any time during the past four years, had the Legislature provided for the prompt payment of the school money. It is for your honorable bodies to determine what relief you can afford.

Your memorialists are powerless for good to the free public schools without funds and ask you to make some provisions by which they can obtain them.

All of which is respectfully submitted.

I hereby certify that the foregoing is a true copy of

the resolution and memorial adopted the 25th of November 1873, by the Board of Education.

JOSEPH H. SPEED,  
President Board of Education.

J. H. FRANCIS,  
Sec'y. Board of Education.

Mr. McAfee moved that the resolution and memorial lie on the table and 150 copies be printed for the House.

Mr. Cloud moved to amend the motion made by Mr. McAfee by spreading the resolution and memorial on the Journal.

The amendment was accepted and the motion was agreed to.

#### CALL OF THE COUNTIES.

Mr. Simpson—

To incorporate the town of Courtland, in Lawrence county.

Read twice.

Mr. Walker moved to strike out last section on the ground that it requires the mayor to be a freeholder.

Lost, and the bill was ordered to a third reading at 12 M. to-morrow, and made the special order for that hour.

Mr. Hunter—

To confirm the sale of certain lands therein named, made by Anna Whitten to Chas. N. Whitten, of Lowndes county.

Referred to Judiciary Committee.

Mr. Jones of Madison—

To require the Commissioners' Court of Madison county to open a public road.

Referred to Committee on Roads and Highways.

Mr. Moss—

To encourage the growing of hedges in the State.

Referred to Committee on Accounts and Claims.

Also, for the relief of James W. Steel of Madison county.

Referred to Committee on Accounts and Claims.

Mr. Dustan—

For the benefit of appellees in cases of appeal in the Supreme Court of Alabama.

Referred to Judiciary Committee.



Also, to better secure the payment of printers' fees for publishing legal notices.

Referred to Judiciary Committee.

Mr. Barnett—

To repeal section 10 of the exemption act of April 24, 1873.

Referred to Judiciary Committee.

Also, a resolution calling upon the Governor for information respecting the status of the negotiations for the purchase of West Florida.

Adopted.

Mr. Cloud—

For the relief of the tax assessor of Montgomery county.

Referred to Committee on Local Legislation.

Also, to amend the act to re-enact and amend the act chartering the Alabama Savings Bank of Montgomery.

Read twice.

Mr. Cochran moved to amend by adding the Savings Bank of Selma.

Referred, with the bill, to the Committee on Finance.

Also, to protect the citizens of Alabama from the dangers of burning fluids, kerosene, oils, &c.

Referred to Judiciary Committee.

Mr. Smith of Morgan—

To remove the administration of the estate of Z. F. Freeman, deceased, from the probate court of Morgan county to the probate court of Lawrence county.

Referred to Committee on Local Legislation.

Mr. Patterson of Autauga—

A resolution requesting the Speaker to invite the clergy of the city to open the daily services of the House with prayer, or failing, to call upon the "Reverend Divines" of the House.

Withdrawn.

Mr. Murphree—

To amend section 3517 of the Revised Code.

Referred to Committee on Fees and Salaries.

Also, to authorize the redemption of lands sold for taxes and purchased by the State.

Referred to Judiciary Committee.

Also, to prevent the removal of cotton, corn, and other plantation produce from the premises of the landlord before the payment, or a legal tender of the payment of the rents due.

Referred to Judiciary Committee.

Also, authoring and defining the compensation of the Board of Equalization of Pike county.

Passed.

Also, to amend section 2 of the act amending the act authorizing the Commissioners' Court of Pike county to levy and collect a tax to pay bridge claims, etc.

Passed.

Also, to amend section 1 of an act to restrict the sale of personal property in certain cases and to amend the caption thereof.

Referred to Judiciary Committee.

Also, to authorize Mrs. Narcissa Dickey, widow of Thomas Dickey, deceased, to sell lands belonging to the estate of her husband.

Referred to Judiciary Committee.

Also, to authorize Mrs. Mary Quattlebaum, widow of Wilkes Quattlebaum, to sell lands belonging to the estate of her husband.

Referred to Judiciary Committee.

Also, to amend section 1324 of the Revised Code of Alabama.

Referred to Judiciary Committee.

Mr. White—

To amend section 758 of the Revised Code.

Referred to Judiciary Committee.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
November 28, 1873. }

*Mr. Speaker :*

The Senate has originated and passed bills with the following titles:

To exempt the Selma Exposition from certain taxes therein named.

To provide for the payment of the debt of Butler county.

And has concurred in House

## JOINT RESOLUTION

In relation to the reference of bills upon the subject of Finance and Taxation originating in either branch of the General Assembly.

MIKE L. WOODS,  
Sec'y of Senate.

## THE JOINT RESOLUTION

Relating to an amendment of the Constitution on the subject of exemption, was called up by Mr. Lovvorn.

Read a second time and ordered to a third reading on to-morrow.

The proposed amendment relating to the Board of Education was referred, after debate, to a select committee of seven.

Another resolution to amend the Constitution by striking out article XI, thereof, introduced by Mr. White of Clay, was referred to the same committee.

Mr. Musgrove—

To amend section 4 of the exemption act of April 23, 1873.

Passed.

Mr. Taylor of Lauderdale—

A resolution inviting Governor Patton to address the General Assembly and people of the city on the subject of the objects and purposes of the centennial celebration.

Adopted.

Mr. Ash—

For the relief of A. B. Vandergriet, of St. Clair county.

Referred to Committee on Accounts and Claims.

Also, to authorize Daniel H. Thweat, administrator of the estate of R. M. Thweat, deceased, to sell the lands of said estate at private sale.

Referred to Judiciary Committee.

Also, to authorize David S. Brooks, administrator of the estate of Abram W. Brooks, deceased, to sell the lands of said estate at private sale.

Referred to Judiciary Committee.

Mr. Taylor of Sumter—

To prevent licensed ferrymen from making extortionate charges.

Referred to Committee on Roads and Highways.

Mr. Whatley—

To amend section 3612 of the Revised Code of Alabama.  
Referred to Judiciary Committee.

Also, to amend section 3579 of the Revised Code of Alabama.

Referred to Judiciary Committee.

Mr. Cochran—

Senate bill exempting the Selma exposition from certain taxes therein named.

Referred to Judiciary Committee with instructions to report at 11 A. M. to-morrow.

Mr. Kelly—

To authorize E. L. Little, administrator of the estate of J. P. Little, deceased, to compromise a suit pending against her intestate's estate.

Referred to Judiciary Committee.

Mr. Stone—

To secure justices of the peace and notaries public their fees in certain cases.

Referred to Committee on Fees and Salaries.

Also, for the relief of the solicitor of Pickens county.

Referred to Committee on Local Legislation.

Also, for the relief of Mary A. Stratton, of the county of Pickens.

Referred to Judiciary Committee.

Mr. Kelly—

To establish a voting precinct at Camp Spring, in precinct 3, in Walker county.

Passed.

Also, to enable the minor grand-children of James M. Kitchens, Sr., deceased, to sell and convey their interest in the lands deeded to them by John Brown, of Walker county.

Referred to Judiciary Committee.

Mr. Stribling—

For the relief of Thos. A. Baily of Washington county.

Passed.

Also, to establish two new election precincts in Washington county.

Passed.

By Mr. McCaskie—

To repeal a portion of the act increasing the per diem of the commissioners of certain counties, so far as the same relates to the county of Wilcox.

Referred to Committee on Local Legislation.

Also, Senate bill

For the relief of Hugh M. Watson.

Referred to Committee on Accounts and Claims.

By Mr. Barton—

To make null and void certain sales of land for taxes in Winston county for the years 1870 and 1871.

Referred to a select committee of five.

The committee to regulate the judicial circuits of the State consists of Messrs. Stone, Clarke of Perry, Cloud, Brown of Tuskaloosa, Brown of Jackson, Smith of Morgan, Anderson, Murphree, McCoy, McAfee, Stallworth and Lawrence.

Mr. Clarke of Perry was added to the Committee on Privileges and Elections, and Mr. Hannon to the Committee on the Penitentiary, to supply the vacancy left by the resignation of Mr. McAfee.

By Mr. Lamb—

To authorize Charles H. Hollingsworth, of Limestone county, to peddle in said county without license.

Referred, with certain proposed amendments, to the Committee on Ways and Means.

On motion of Mr. Lovvorn,

The House adjourned until 10 A. M. to-morrow.

SATURDAY, Nov. 29, 1873.

The House met pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Barton, Boyd, Brewer, Brodnax, Brown of Jackson, Brown of Tuskaloosa, Bruce, Chapman, Clarke of Barbour, Clopton, Cloud Cowan, Crawford, Corsbie, Donoho, Dotson, Dozier, Draxler, Dustan, Elliott, Ellsworth, Fantroy, Franklin, Galaspie, Goldsby, Greene of Hale, Hamilton, Hannon, Hawkins, Howell, Hunter, Johnson, Jones of Lee, Jones of Madison, Kelly, Lamb, Lawrence, Levey, Lewis, Lovvorn, McAfee, McCaskie, McCoy, McHugh, Mancill, Masterson, Mathews, Maull, Merriwether, Moss, Murphree, Musgrove, Patterson of Autauga, Patterson of Macon, Peddy, Purcell, Reese, Renfro, Simpson, Slater, Smith of Dallas, Speed, St. Clair, Stallworth, Steel of Madison, Steel of Montgomery, Stone,

Stribling, Taylor of Lauderdale, Taylor of Sumter, Threat, Thomas, Treadwell, Vaughn, Walker, Whatley, Weatherford, White of Clay, Wilkinson, Williams of Barbour, Williams of Montgomery.

A quorum being present,

The Journal of yesterday was read and approved.

Leave of absence was granted Messrs. Franklin, Stallworth, Williams of Montgomery, and Patterson of Autauga.

Messrs. Ash, Howell and Lovvorn were excused for their absence on the first two days of the session.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
Nov. 29, 1873. }

*Mr. Speaker* .

The Senate has originated and passed a

#### JOINT RESOLUTION

To provide for discharging the claim held by the Alabama Insane Hospital against the State of Alabama for the support of the indigent insane for the quarter of the fiscal year ending on the 30th of September, 1873.

And has concurred in House joint resolution—

Raising a joint committee to wait on ex-Governor R. M. Patton, &c.

Committee on part of Senate—Messrs. Coleman and Pennington.

And ordered the same forthwith to the House.

MIKE L. WOODS,  
Secretary Senate.

Mr. Taylor of Sumter, by leave, introduced the following joint resolution, which was read and adopted :

#### JOINT RESOLUTION.

WHEREAS, In several of the counties of this State great destitution prevails to an alarming extent, to-wit: in the counties of Sumter, Greene, Hale, Perry and Marengo; therefore,

*Be it resolved by the House of Representatives (the Senate concurring), That the Speaker of the House be, and is hereby, requested to appoint a committee, consisting of one member from each of the above named counties, to investigate the true condition of said counties, and to consider the propriety of memorializing the President and Congress of the United States on the subject, and report by bill or otherwise such other measures of relief as to them may seem proper.*

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, }  
EXECUTIVE DEPARTMENT, }  
Montgomery, November 29, 1873. }

*Mr. Speaker :*

I am instructed by the Governor to communicate to the House of Representatives a message in writing, with accompanying documents.

Respectfully,

CHARLES J. ATKINSON,  
Recording Secretary.

The following communication was also received from the Governor :

STATE OF ALABAMA, }  
EXECUTIVE DEPARTMENT, }  
Montgomery, November 28, 1873. }

*Gentlemen of the General Assembly of Alabama :*

I have the honor to transmit you herewith report of Hon. Wm. H. Moore, as Commissioner appointed under an act to authorize the Governor to appoint a commission to investigate and audit certain claims therein mentioned against the State of Alabama, on account of the Alabama and Chattanooga Railroad Company.

Also, report of M. G. Moore, as Special Commissioner to settle lease of the Penitentiary, appointed by my predecessor.

DAVID P. LEWIS,  
Governor.

Mr. Cloud moved that the communication and accompanying documents lie on the table, and 125 copies of each be printed for the use of the House.

The motion was agreed to.

#### REPORT.

*To His Excellency,*

DAVID P. LEWIS,

*Governor of Alabama :*

SIR—Having been appointed by your Excellency, Commissioner, under the act of the General Assembly of Alabama, entitled “An act to authorize the Governor to appoint a commissioner to investigate and audit certain claims therein mentioned against the State of Alabama, on account of the Alabama and Chattanooga Railroad,” approved March 28th, 1873, I beg leave to submit, as such Commissioner, the following report :

As soon as the public notice required by said act could be given, after receiving my commission, I entered upon the duties enjoined upon me.

From the testimony adduced before me, and which is on file in the State Auditor’s office, it appeared that Col. John H. Gindrat did, by authority of Governor Lindsay, seize the Alabama and Chattanooga Railroad, and take possession and control thereof, or at least that portion thereof that was within the State of Alabama, about the last of July, 1871, and it continued in the possession of the State, and under its control, or the officers appointed by State authority, and they held and operated it until about the 1st of October, 1872, except from the 25th of May to the 25th of June, during which period it, or that portion of it that was in Alabama, was in the hands of the assignees in bankruptcy. In the spring of 1872, for a very short time, the Mobile and Ohio Railroad Company operated it under a contract.

The first session of the Commission was held at Livingston, beginning in the latter part of May last, and from that time to the first of November, instant, I have been incessantly, with but a few days of intermission, laboriously engaged in investigating and auditing the claims against the State, on account of the Alabama and Chattanooga Railroad, provided for by the act above referred to.



It was evident from the outset that from the want of order and a proper system, and great apparent irregularities, added to the inharmonious action of the officers and employees of the road, that great detriment had been done the public service, and much pecuniary loss had resulted to the State.

Capt. R. C. Randolph, late Treasurer of the road, voluntarily and cheerfully placed in my possession the pay-rolls and books of his office and certain vouchers. I asked for all the books and pay-rolls, and they, together with the certificates or vouchers above referred to, which were received by me, were placed in the custody of the clerk, who has deposited them, together with the dockets, minutes, &c., of this Commission, with the Auditor of State. The pay-rolls, however, only embraced the period from the time the State began operating the road, or a part of it, which was early in August, 1871, to, and including, a part of February and March, 1872, and from that time forward, so far as any books or accounts before me from the Treasurer's office show, no accounts or pay-rolls were entered upon the books of the same, or but few, if any. From the loose and unsatisfactory manner in which the books, pay-rolls and accounts to which I had access had been kept, great perplexity followed, and laborious investigations had to be made, and often with unsatisfactory results. Assistance was sought from experts, but they could give no aid. In the investigations of the claims presented, I availed myself of all the assistance that could be derived from them. My duties, as was conceived, did not extend any farther as to them. But few, if any, of the accounts appear to have been closed or balanced, unless the issuance of due bills or certificates for what purported to be still due can be so considered.

Gen. W. T. Wofford, the Receiver and Superintendent of the Northern Division of the road, manifested not only a willingness, but an anxiety, to give all the aid and assistance in his power for the proper examination and investigation of all transactions under his management, or within his knowledge, of which I could take cognizance; and to do so, voluntarily left his home at Cartersville, Georgia, and appeared before the Commission at Attalla. He submitted a statement under oath, which is filed in the Auditor's office with the other papers of this Commission. From the want of harmony and confidence be-

tween those controlling the two divisions of the road, and the officers and employees under them, many facts could not be ascertained, which are material to a clear and proper understanding of the affairs connected with the unfortunate management of the Alabama and Chattanooga Railroad.

From the facts developed, it appeared to me that Gen. Wofford, and the principal officers under him, were influenced by an earnest desire to protect and promote the interests of Alabama. Said Wofford held his office as superintendent of the northern division of said road under appointment received from John H. Gindrat, the receiver appointed by Gov. Lindsay, and was authorized by said receiver to appoint and organize a sufficient corps of officers for the same.

This appointment and these powers were never revoked, so far as any facts came to my knowledge; and, indeed, Wofford testified that they never were revoked, and that he continued to act as such until the receivers appointed by the U. S. Court at Mobile took possession of said road in September, 1872.

Col. H. F. Price, the treasurer of the northern division, was also before me for several days, and to him I am indebted for much valuable information and evidence, which were of the utmost importance to the proper investigation of many claims. He also filed a statement under oath, which is deposited with the Auditor. It appears that he was employed by the late Gen. Clanton to aid him in securing possession of the northern division of said road, especially that portion in the States of Georgia and Tennessee, and that he rendered valuable assistance, and was promised compensation therefor.

Under my construction of the act under which your Excellency appointed me Commissioner, I did not conceive that I had any authority to make an allowance or audit his claim for the same; hence, it was not thoroughly investigated, and that portion of it was rejected. Said Price also furnished a schedule of debts paid by the northern division of the road, and of its out-standing liabilities, while in the hands of said Wofford. The pay-rolls, books and accounts belonging to the administration of the northern division of the road under Wofford and his officers, the superintendent and treasurer stated, would have been brought before me, but when Harralson and Rice were appointed receivers, they took charge of

the same, or they were left in the office in Chattanooga, which went into their possession, and they had not recovered them, nor had access to them.

Efforts were made by me to procure them, but failed. Also a report of the operations of said division, with the amount of the receipts and disbursements, was before the Commissioner, and are all deposited with the Auditor of State, with the books and papers of the Commission.

I was very anxious to avail myself of all the information that could be derived from the receiver appointed by Gov. Lindsay, and made repeated efforts to do so, and finally he appeared at my last term at Attalla, and he manifested great willingness to give any assistance in his power. At my request, he submitted, under oath, a general statement; but, unfortunately he had given but little personal attention to the management of the road, and appeared to have exercised but little personal supervision over it. Explained by him in being compelled as such receiver to attend many troublesome and vexatious law suits, not only in the State of Alabama, but also in the States of Tennessee, Georgia and Mississippi, and also upon the bankrupt court, by which court he was also appointed assignee in bankruptcy, in a suit in which said road was declared bankrupt. If he could have given that proper and personal attention to the management of the road, which was indispensable to its proper and successful operation, many, if not all the losses the State has sustained, by seizing the road, could have been averted.

It seems to have been generally understood that there was no efficient, active, responsible chief. Demoralization and general disorder and recklessness prevailed to an alarming extent, and notwithstanding the want of funds to operate the road easily, and with a satisfactorily successful result, still if the evils above referred to had not existed, and reasonable degree of economy and strictness in all its operations and settlements had been observed, I am constrained to believe that if the possession and control of the road by the State had not been a source of profit to the State, it certainly would not have resulted as it did, in a loss of about one hundred thousand dollars.

For many weeks, a portion of the Southern division of the road was run by irresponsible parties; large sums of money were collected from freights and passengers of

which no proper returns were ever made, and the rolling stock, track and other property of the road greatly damaged.

H. F. Wheeler, late superintendent of the Southern division of said road, was in the State of Ohio, and was corresponded with, and advised of this investigation, by parties interested in it, but did not appear before the Commission.

He did hold a due bill, or certificate, issued by Capt. Randolph, late treasurer of said road, for a balance still said to be due him of nearly fifteen hundred dollars. This he had transferred to the First National Bank of Tuskaloosa, and that bank presented it, as transferee, and asked that it might be audited and allowed. After a laborious investigation of the matter, seeking all the light the treasurer's books would afford, and all the testimony that could be procured, in the limited time allowed for the investigation, with the information in my possession, I was constrained to reject the whole claim. I am further satisfied that if his administration as superintendent could be properly investigated, it would be found that, in equity and good conscience, he would be indebted to the State in a large sum. This was a case in which I believed the State should be represented, and by virtue of said act, I appointed Hon. N. H. Browne, of Tuskaloosa, to do so. He gave it that thought and attention which the amount involved, the character of the claim and the position and relationship which the payee of the due-bill or certificate sustained to the road, demanded.

Under my construction of the act giving me the only power and jurisdiction I could exercise, I was forced to reject the claims of R. C. Randolph, treasurer, and H. Harding, superintendent, for alleged services performed after the receivers appointed by the U. S. Court had taken possession and control of the road, without any examination into their merits.

From my investigations, and all the evidence which the brief time specified in the act of 28th March, 1873, enabled me to procure, I cannot fail to say that the manner in which Col. Harding managed said road during the time he controlled the Southern end, as superintendent, deserves commendation.

He was appointed during a time of great demoralization; when the track was in wretched condition, with but

a small amount of rolling stock ; without connections ; without funds, and meeting with the disaster of a most unusual freshet, damaging much of the track and road-bed badly, which he succeeded in repairing to some extent, at considerable expense. Notwithstanding all this, from the evidence before the Commission, if he could have collected all the earnings of the road for the last month it remained under his control, it appeared that there would have been but a small balance due under his administration. The receipts for the month last referred to, it was stated, went into the hands of the receivers, who took the possession of the road out of Col. Harding's hands.

Under the provisions of the act of March 28, 1873, after the notices prescribed in said act had been given, one term of the court was held at Livingston, Eutaw and Birmingham each, two at Tuscaloosa and three at Attalla.

Nearly seven hundred cases have been brought before the Commission, involving sums to the amount of about one hundred and thirty thousand dollars, requiring very laborious investigations. The testimony in each cause, or the material portions of the same, was reduced to writing, and the evidence on which each case was determined can be found in the books and papers in the Auditor's office, where the act required it to be placed.

I have also caused to be deposited in the State Auditor's office, with all the other books and papers belonging to this Commission, a book containing a list of all certificates issued by me to claimants under said act. It shows the number of each certificate ; the party in whose favor it was issued ; the amount claimed in each case and the amount rejected, and the amount allowed, also the date of the allowance of each and the date of the issuing of each certificate. It also shows the number of the cause in which each certificate was issued, thus facilitating any examination that may be desired to show the evidence on which the same was granted, or any other facts in any special case. That book also contains a schedule of all rejected cases.

It will be seen that the amount allowed and audited, and for which certificates were granted, is eighty-two thousand two hundred and three dollars and ninety-three cents (\$82,203.93.)

The amount acted on and rejected by the Commissioner is forty thousand and sixty-seven dollars and ninety-two

cents (\$40,067 92) which is nearly one-third of the whole amount presented.

The whole expenses of the Commission, on which certificates to the Auditor were granted, including attorney's fees and the clerk, amount to twenty-four hundred and seventy dollars and fifty cents (\$2,470 50.)

This had to be realized on warrants issued by the Auditor on the State Treasurer, and as there were no funds in the treasury, and the expenses had to be met promptly, the warrants had to be disposed of on the best terms. As there was little or no demand for the warrants, and the stringency of the money market great, they had to be sold at a ruinous sacrifice.

It is to be exceedingly regretted that the unfortunate management of the road by the officers of the State, and the tardy act of the State in providing a mode for the adjustment of these claims, forced most of the poorest and most deserving of that large class of persons who toiled hard for said road, on the faith of the State, to dispose of them at a ruinous discount. In many instances, this caused real suffering to dependent families. These claims went into the hands of others more fortunately situated pecuniarily, who presented them under this act, as transferees, and to them payment has been made.

Appeals were taken in only about six cases, and in these I had appointed counsel to represent the State. By proper attention, and reference to the books and evidence on file in the Auditor's office, and the assistance that can be rendered by the commissioner and clerk, at any time called upon, the interests of the State can be properly, and I am sure successfully defended.

In the exercise of what I conceived to be sound judgment and proper discretion, attorneys for the State were appointed in but few cases, thus burdening the State with but a small amount for counsel fees. My own labors and responsibilities would have been diminished if I had acted otherwise, but I did not conscientiously think it necessary to place an additional burden on the tax payers of the State.

The number of claims which could have properly come before the commission, but which did not, probably owing to the limited time allowed, there are no means of knowing, but it is presumed they amount to a considerable sum, as the treasurer at Tuskaloosa certified that he had issued due bills or certificates to the amount

of eighty odd thousand dollars, for out-standing debts ascertained by him to be due, and these did not embrace all the debts under the administration of Wheeler, as superintendent, nor the claims due on the Northern division of the road, nor those under Col. Harding, as superintendent. But quite a number of the due-bills issued by Randolph, treasurer, on examination and proof, it will be seen, were rejected.

There was also a claim presented by H. F. Skaats, assignee of French & Co., for over eighty thousand dollars. But it was at so late a period that he did not have the requisite time to prepare the necessary proof, at least none was offered. The proper investigations of this claim would involve the examination of an account of probably forty thousand dollars, made up of a vast number of items, running through a period of several months, also the settlement of several important points of law.

From the testimony filed in the Auditor's office, it will be seen that about the time Col. Gindrat took possession of the Alabama and Chatanooga Railroad, as receiver, under orders from Gov. Lindsay, a contract was made with the Alabama and Central Road by which it acquired the right to run its trains over that portion of the Alabama and Chattanooga Road extending from York to Meridian. That contract or agreement was to exist for twelve months, and the Central Road was to pay at the rate of one thousand dollars (\$1,000) per month for the privilege. Ten thousand dollars of this sum was paid in cash at or about the time the contract was made. This amount, it was stated, was expended by the receiver in getting possession of the road. The duties of my position did not require an investigation into the application of this fund, and the time allotted within which the absolute duties of the commission had to be performed, being so brief, forbade it.

It was understood that the other two thousand dollars due under said contract from the Central Road, have never been paid. After the expiration of the contract above referred to, Col. Harding, the superintendent who succeeded Wheeler, entered into a new contract with the Central Road, for one month, under which it paid to the Alabama and Chattanooga Road two thousand dollars for the use of that portion of the track from York to Meridian. This amount, Harding stated, had been used in operating the road.



There is also due from the U. S. Post-Office Department, to the Alabama and Chattanooga Railroad about twenty thousand dollars or more, for carrying the United States mails after the seizure of the road by the State. This claim, from some unaccountable cause, has never been settled or paid. Whatever the correct amount may be, it is clearly due the State, and if the proper efforts were made, could no doubt be recovered.

I also feel it my duty to bring to your Excellency's attention the fact that the bill which was filed in the Superior Court of Dade county, Georgia, in behalf of the State of Alabama, has been recently dismissed at her cost, and I understand an effort is being made in that court to charge the State of Alabama with a considerable sum of money for alleged damages incurred by virtue of the injunction obtained by Alabama. This bill was in reference to the Alabama and Chattanooga Railroad.

I cannot close this communication without recognizing, in a public manner, my obligations to Mr. W. H. Clanton, of Montgomery, whom I appointed clerk, under the provisions of said act. I allowed him nine hundred and thirty dollars, paid in certificates on the Auditor, an amount totally inadequate for the services and labor performed. He has been most efficient and attentive in the discharge of his laborious duties, and uniformly courteous and polite to all.

The delicacy and responsibility of the position assigned me, were appreciated. In many respects the act referred to, conferred on me unusual and almost unlimited power, and I brought to the discharge of these peculiarly delicate duties an earnest desire to do full justice to all claimants and to all parties, and at the same time to guard the interests and the rights of the State of Alabama. If my acts and the results of my labors meet the approbation of your Excellency, the Legislature, and the people of the State, my highest ambition will have been gratified.

I have the honor to be

Most respectfully,

Your obedient servant,

WM. H. MOORE,  
Commissioner.

Huntsville, November 1, 1873.



By Mr. Boyd—

# JOINT RESOLUTION

Relating to the pay of the Journal and recording clerk of the House, and allowing them additional per diem.

By Mr. Jones of Lee—

A resolution to raise a committee of three to inquire into the expediency of reducing the expenses of the State on account of feeding prisoners and report by bill or otherwise.

Adopted.

By Mr. Threat—

A bill making appropriations for the fiscal year 1874.

Read twice.

Mr. Levey moved to amend by allowing \$1,500 as compensation to the clerk in the office of Secretary of State.

Referred with the bill, to the Committee on Ways and Means.

# SENATE MESSAGE.

The joint resolution—

To provide for the payment of the claims held by the Alabama Insane Hospital against the State of Alabama, etc., was then taken up and read twice.

Mr. McAfee moved an amendment including the asylum for the Deaf and Dumb and Blind, and the Freedman's Hospital at Talladega.

Mr. Jones of Lee, moved to amend the amendment by proviso that the certificates provided for by the bill, shall be used by the officers of the several institutions as collateral on which to borrow money to meet present necessities; and that if the Treasurer shall at or before the expiration of the time for which the money shall be borrowed, be in funds with which to meet, and take up the warrants, then the warrants are to be paid, and the certificates, placed as collaterals, returned.

Mr. Boyd moved that the bill and amendments be referred to the Committee on Ways and Means, with instructions to report at 12 m., next Monday.

Agreed to.

SENATE CHAMBER, }  
November 29, 1873. }

*Mr. Speaker :*

The Senate has passed without amendment.

House bills with the following titles :

To lay off the county of Conecuh into four commissioners districts.

To regulate the publication of legal notices in the county of Crenshaw.

To repeal an act entitled an act to require the court of county commissioners to publish semi-annual exhibits of the receipts and expenditures of money for and on account of their respective counties, approved August 12, 1868, and to repeal sections 117 and 118, of an act to establish revenue laws for the State of Alabama, approved December 31st, 1868, so far as applies to the county of Crenshaw.

And has originated and passed a bill—

To amend an act entitled an act to incorporate the town of Columbiana in the county of Shelby, approved March 25th, 1873.

And ordered the same forthwith to the House without engrossment.

MIKE L. WOODS,  
Sec'y of Senate.

Mr. Bruce from the Committee on Ways and Means, reported a revenue bill ;

Which was read a second time and ordered to be printed,, and made special order for 12 M. next Wednesday.

Agreed to.

By Mr. Bruce—

To induce and encourage immigration to the State of Alabama, and to provide for an appropriation therefor.

Referred to the Committee on Ways and Means.

M. Taylor of Lauderdale, from the Select Committee, reported that Governor Patton had been waited upon and signified his willingness to address the meeting at 12 M., and that hour having now arrived, he moved that the House do now adjourn until 12 M. next Monday ;

Which said motion prevailed.

MONDAY, Dec. 1, 1873.

The House met pursuant to adjournment.

Prayer by Rev. Dr. Gwin.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Barton, Boyd, Brewer, Broadnax, Brown of Jackson, Brown of Tuskaloosa, Bruce, Carson, Chapman, Clarke of Barbour, Clarke of Perry, Clopton, Cloud, Cockrell, Cowan, Crawford, Corsbie, Davis, Donoho, Dotson, Dozier, Draxler, Dustan, Elliott, Fantroy, Franklin, Galaspie, Goldsby, Greene of Hale, Hamilton, Hannon, Hawkins, Howell, Hunter, Johnson, Jones of Lee, Jones of Madison, Kelly, Lamb, Lawrence, Lee, Levey, Lewis, Lovvorn, McAfee, McCaskie, McCoy, McHugh, Mancill, Manning, Masterson, Mathews, Maull, Millen, Merriwether, Moss, Murphree, Musgrove, Patterson of Autauga, Patterson of Macon, Purcell, Reed, Reese, Renfroe, Simpson, Slater, Smith of Bibb, Smith of Morgan, Smith of Dallas, Speed, St. Clair, Stallworth, Steel of Madison, Steel of Montgomery, Stone, Stribling, Taylor of Lauderdale, Taylor of Sumter, Threat, Thomas, Treadwell, Vaughn, Walker, Whatley, Weatherford, White of Clay, Wilkinson, Williams of Barbour, Williams of Montgomery.

A quorum being present,

The Journal of Saturday was read, and certain corrections ordered to be made.

The Journal was approved and signed.

On pages 110 and 111, where the words "deaf, dumb and blind" occur, should be written "deaf and dumb and blind."

Messrs. Vaughn, Anderson and White were excused for their absence during the first two or three days of the session.

Mr. Williams of Montgomery was granted further leave of absence for one day.

Mr. Mancill, by leave, introduced a bill—

To establish a chancery court for Covington county.

Referred to the Judiciary Committee.

#### SPECIAL ORDER.

By previous order of the House, the hour of 12 m. having arrived,

Mr. Bruce, from the Committee on Ways and Means, reported back the Senate joint resolution relating to the financial relief of the Alabama Insane Asylum, with the amendments proposed thereto, and asked further time for consideration of the matter ;

Which, on motion, was granted, and the committee ordered to report at 11 A. M. to-morrow, for which hour the said report and the bill reported shall be the special order.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
Dec. 1, 1873. }

*Mr. Speaker :*

The Senate has passed, without amendment,

#### HOUSE BILL

To regulate the disposition and management of the bequest made by James Wallace, late of Lawrence county, Alabama, for the benefit of free public schools in township seven, range nine, west, in said county.

And has originated and passed a bill—

For the relief of the judges of Alabama.

And ordered the same forthwith to the House without engrossment.

MIKE L. WOODS,  
Sec'y of Senate.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
Dec. 1, 1873. }

*Mr. Speaker :*

The Senate has originated and passed a bill—

To amend the charter of the Eureka Mining and Transportation Company of Alabama.

And ordered the same forthwith to the House without engrossment.

MIKE L. WOODS,  
Sec'y. of Senate.

## MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
Montgomery, December 1, 1873. }

*Mr. Speaker :*

I am instructed by the Governor to communicate to the House of Representatives a message in writing, with an accompanying document.

Respectfully,

C. J. ATKINSON,  
Recording Sec'y.

Mr. Dustan moved a temporary suspension of the consideration of the question before the House to take action upon the Governor's message.

The motion was agreed to.

The message was read as follows :

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
Montgomery, December 1, 1873. }

*Gentlemen of the General Assembly :*

I have the honor to lay before you the report of the Commissioners appointed under section 70 of the Revised Code of Alabama, to examine the books, accounts and vouchers of the State Treasurer, Comptroller and Superintendent of Public Instruction.

Your obedient servant,

DAVID P. LEWIS,  
Governor.

Mr. Cowan moved that the message lie on the table, and 150 copies, with accompanying documents, be printed for use of the House.

Mr. Dustan moved to amend by inserting 500 copies.

The motion to amend was not agreed to.

The motion of Mr. Cowan was agreed to.

STATE CAPITOL,  
Montgomery, Ala., Nov. 29, 1873. }

*To His Excellency,*

DAVID P. LEWIS,

*Governor of Alabama :*

Sir—The undersigned having faithfully examined the books, accounts and vouchers of the State Treasurer, Auditor of State, and Superintendent of Public Instruction, for the fiscal year ending September 30th, 1873, beg leave to submit the following report:

We find, on examination of the office of Auditor, that the number of warrants issued during the past year, as compared with the year preceding, was as 6,235 to 3,502, thus entailing much greater labor on that department, and consequently upon your commissioners. But notwithstanding this fact, so admirable is the system of book-keeping preserved, and so accurate is the record of all the details of business in that office, that we have had little difficulty in going over the whole series of accounts, and verifying the same in each case by the data in hand. The revenues from the various sources are regularly entered as certified over to the Treasurer, to be by that official disbursed upon the warrants of the Auditor when vouched for by the proper legal authorities. Vouchers of corresponding numbers accompany each item of receipts and disbursements, so that there can scarcely be a discrepancy in the books of either the Auditor or Treasurer without being detected. We take great pleasure in certifying to the correctness of the books and accounts of the Auditor, and tender our thanks for the cheerful attentions and courtesies to the commissioners of all connected with the office.

We have carefully compared the books and accounts of the State Treasurer with those of the Auditor, and find them correct. All the funds received have been properly charged and credited, and payments made upon the warrants of the Auditor. The vouchers of the Treasurer correspond with entries in the books, and where warrants have been taken for public dues, they contain the endorsements of the parties who paid them in, thus containing valuable information in case of reference as to those trading in warrants. After a careful inspection, we certify

the following to be the actual condition of the treasury at this time:

# GENERAL STATEMENT

*Of Receipts and Expenditures of the Treasury of Alabama for the fiscal year ending Sept. 30th, 1873.*

Balance in Treasury Sept. 30, 1873:

Uncurrent bills.....	\$ 1,912 46	
Certificate of Nor. Bank of Ala..	35 05	
Silver Coin.....	354 03	
Swamp Land Fund.....	23,496 85	
Currency.....	2,565 69	\$ 28,364 08
Total receipts for the year ending September 30, 1873.....	\$2,081,641 38	
		<u>\$2,110,005 46</u>

Disbursements for the year ending September 30, 1873.....\$1,961,199 61

Balance in Treasury this day:

Uncurrent bills.....	2,012 00	
Certificate of Northern Bank of Alabama..	35 05	
Silver Coin.....	361 96	
Swamp Land Fund in State Certificates....	27,340 00	
“ “ “ Currency.....	3 31	
State Certificates.....	119,050 00	
Currency.....	3 53	
		<u>\$2,110,005 46</u>

The Treasurer deserves credit for the neatness and care with which he has kept the papers and other valuables entrusted to him; and we would be doing less than justice to him not to testify to the alacrity with which he has met all calls from the commissioners for information connected with the affairs of his office.

It appears from the books of the Auditor and Treasurer that considerable sums are due the State from various county officers, which sums, if collected promptly, would aggregate an amount sufficient to greatly aid the State in its present embarrassment. The laws intended to reach these abuses are generally either defective in some par-

ticular, or too slow in their operation to have the desired effect. Your commissioners would suggest that in all such cases a summary remedy be provided by the General Assembly so that judgment shall be rendered, and that execution issue after ten days notice by mere motion of the Attorney-General, made in the city or circuit court of Montgomery against these delinquent officials and their sureties.

The Auditor's books show a large outstanding balance against railroad companies in arrears for taxes.

Net receipts for the year past from railroads. . \$89,156 00

BALANCE DUE FROM ROADS IN ARREARS.

Alabama and Chattanooga.....	\$45,200 00
East Alabama and Cincinnati.....	1,591 00
Selma, Marion and Memphis.....	3,864 62
Selma and Gulf.....	4,263 55
Total.....	<u>\$54,919 17</u>

Thus showing the amount remaining uncollected equal to more than one-third the whole amount paid in.

The difficulty presented as to the collection of this class of taxes is, that the State already holds a first mortgage lien on these roads, and that if the officers are forced to levy on and sell the rolling stock or other property, as required by law, the State's interest might be sacrificed in regard to its claim upon the same property for first mortgage bonds. That this is a somewhat anomalous predicament, your Commissioners are free to admit, but the question naturally suggests itself, whether it would not be safer to proceed and collect the comparatively small amounts due for taxes, than to run the greater hazard of losing these, and all the doubtful benefits accruing from the other lines of the State in bankruptcy proceedings?

Another suggestion we would make is, that railroad companies be required by law to pay in, for taxes such funds as they may receive for freights and passengers. It is notorious that whilst these corporations, deriving their franchises from the State, and indeed built at ruinous sacrifice to its credit, are so exacting as to demand currency in advance for all dues to themselves, they have



assurance to buy up depreciated warrants or State certificates in payment of these taxes, thus still further tending to degrade their great foster patron, the State.

The list of errors and insolvencies combines with the poll-tax to furnish one of the most prolific sources of corruption under the present revenue system. The law now requiring the tax collectors to certify their list of errors and insolvencies to the February term of the commissioners [court], should be so changed that the lists would be returned and examined at the next term succeeding the last sales for taxes; and the present law providing for the sale of lands the first Monday in any month, should be so amended as to require all lands to be advertised at one time, and sold, commencing on a certain day, say the 1st Monday in May, and continue until all shall be disposed of. By these means a negligent or corrupt tax collector could not, as now, give in his list of errors and insolvencies, and afterwards collect from the same parties and pocket the difference with apparent impunity. No one can examine the large amounts reported for errors and insolvencies in the various counties, and observe the small amounts returned for fall taxes, as contrasted with the number of male citizens of the State, without coming to the conclusion that these provisions of the revenue laws are used jointly in the interest of some of the tax officers to cover an enormous amount of shortcomings.

It is difficult to see how the errors and insolvencies can be so great, except at the instance of the tax officers themselves, since all the assessments other than those for the fall tax upon property, mostly real estate. And there can be no accounting for the singular deficit shown by the books of about half the poll tax due, except upon the supposition of gross neglect or fraud in the collection of this tax. The law on this subject now works unequally to the citizens, and to little advantage for the object intended; and unless some more stringent measure can be substituted to enforce the more uniform collection of, and proper accountability for, this fund, it had better be abolished altogether.

As a matter of strict justice, as well as sound State economy, it is respectfully suggested that the burden of paying for the feeding of prisoners in the several county jails of the State, which now absorbs a large amount of revenue from the State treasury, be, by proper legisla-

tion, remitted to the several counties in which such prisoners are, or may be, confined; and the State thereby relieved of this great and increasing incubus.

As previously mentioned, the Treasurer has taken the precaution to have properly endorsed all warrants paid into the treasury for State dues; and, whilst your Commissioners have seen nothing in the character of these transactions to implicate that official, there is abundant evidence tending to show extensive operations in warrants on the part of some county officers at the capital and in other localities.

To prevent in future any unjust suspicions against the officers who have to receive and pay out funds for the State, your Commissioners would recommend that the Auditor and Treasurer be required by law to keep a system of accounts showing the character of the funds handled, whether in specie, currency, State certificates or warrants.

Your Commissioners have examined and re-examined the condition of affairs in the office of Superintendent of Public Instruction, with a view to arriving at correct conclusions as to the practical workings of the educational bureau, but they must acknowledge that with all their personal predilections in favor of the gentlemanly head of that institution, they have been unable to make order, or system, or accuracy out of the confused mass of books, accounts and vouchers found therein.

We have no hesitation in saying that much of this confusion and uncertainty has arisen from the frequent changes in the clerical force employed, but it must be confessed that much is also chargeable to the inefficiency of those at present engaged, inasmuch as their attention is more directed to other pursuits than to the proper business of the office.

It cannot be said, we are sure, that the Educational Department is suffering for the want of a sufficient number of clerks, for the records of the Auditor make it appear that two clerks have been regularly, and a third called in occasionally, to help them out, at an annual expense to the State of \$3,048 83. Now when that item of expense for the school department is compared with that of the clerical expense for the Auditor's office, which amounts to \$3,187 50—or a difference only of \$141 67 against the latter, it must be apparent to those conversant with the relative amounts of work done in each office,

that the commissioners have been influenced by no personal considerations in referring to this matter.

Owing to the looseness and irregularity characteristic of the manner of conducting business at the office of Superintendent of Public Instruction, we will be excused from attempting any detailed account of operations in that department. However, the books of the Auditor show that warrants to the amount of \$335,172 70 have been issued, and the books of the Treasurer show that he has paid \$162,219 75 of that amount for the year ending September 30, besides warrants for the years preceding, to the amount of \$114,113 34. The amount of warrants issued by the Auditor serves to illustrate more nearly the amount of requisitions made for the educational department during the past year, than the amounts paid by the Treasurer; but your Commissioners are satisfied, from the scattering figures picked up from the books of the educational office, that the amount drawn for is far in excess of the \$335,172 70 recorded with the Auditor.

Your Commissioners regret to say that wherever a comparison has been made between the books of the educational office and those of the Auditor, a discrepancy has been found, to the disadvantage of the latter. For instance, the clerks in the educational department report as entered upon their books, as receipts from the sixteenth section school fund \$1,405 46. The Auditor's books have had certified to them from the same office, for the same period the year ending September 30th, \$1,163.75, leaving a balance not turned over to the treasury of \$241 71. A very important settlement was made on the 18th September between the clerks of the educational office and the administrator of R. Bradshaw, defaulting superintendent of Sumter county, involving the amount as claimed of \$12,827 70 due the State for a number of years past. This amount is represented to have been settled, mostly in school vouchers, leaving a cash balance by bank check of only \$72, or thereabout. The amount of this check, not until recently sent out for collection, had not, at last accounts, appeared upon the books of the Auditor and Treasurer.

We also observed, in looking through the vouchers at the Auditor's office, one for printing, in the *form of letter heads*, for the educational department, to the amount of \$37 50, paid out of the contingent school fund to one of

the employes of the educational office. This appears to be a clear and unnecessary misuse of this fund, there being an elected and bonded State printer to do all the work of the legislative and State departments.

Your Commissioners find no pleasure in dwelling upon evidences of irregularity and mismanagement of the educational department, and least of all to do they wish to impute criminality to any one connected with that office; but they have felt painfully impelled by the obligations of their oaths to make this report without fear or favor to any one.

In full view, therefore, of the facts resulting from our investigations, as well as of the utter impracticability as shown by experience, of continuing this burthensome, cumbersome, and at best, totally unadoptive school system, without ruinous consequences, we most fully and heartily concur with the recommendation of your Excellency that it be abolished at the earliest possible time; and that there be substituted therefor some suitable and economical system in keeping with the educational wants and financial condition of the people of Alabama.

We have the honor to be your obedient servants,

S. G. REID,  
N. S. McAFEE,  
W. V. CHARDAVOYNE,  
Examining Commissioners.

STATE OF ALABAMA, }  
Montgomery County. }

Personally appeared before me, Israel W. Roberts, jr., a Notary Public in and for county aforesaid, Samuel G. Reid, N. S. McAfee and W. V. Chardavoyne, each to me known, who upon oath, being duly sworn, depose that the facts stated in the foregoing report of their investigations and examination into the conduct and management of the offices of the Auditor, State Treasurer, and Superintendent of Public Instruction, as authorized by section 70 of the Revised Code of Alabama, are true and correct to the best of their knowledge and belief.

This, the 29th day of November, 1873.

S. G. REID,  
N. S. McAFEE,  
W. V. CHARDANOYNE.

Sworn to before me, Israel W. Roberts, jr., N. P. and ex-officio J. P., November 29th, 1873.

The House then resumed the consideration of the special order.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
Dec. 1, 1873. }

*Mr. Speaker :*

The Senate has originated and passed a bill,  
To fix the terms of office of certain municipal officers in the city of Mobile.

And ordered the same forthwith to the House without engrossment.

MIKE L. WOODS,  
Sec'y of Senate.

Pending debate,

Mr. Parsons, by leave, (Mr. Cloud in the chair) presented as a substitute for the bill and amendments before the House,

A bill to be entitled 'An act to provide for the protection of all persons engaged in agricultural pursuits in this State.

Mr. Anderson moved that the further consideration of the bill be postponed, and made the special order for 11 A. M., to-morrow, and each day thereafter until disposed of.

Agreed to.

Mr. Boyd, by leave—

A bill to better secure the payment of the wages of mechanics and employes of railroads in this State.

Referred to Judiciary Committee.

On motion of Mr. Boyd—

The House adjourned to 10 A. M. to-morrow.

---

TUESDAY, December 2, 1873.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Gwin.

The roll was called, and the following members answered to their names :

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Barton, Boyd, Brewer, Broadnax, Brown of Jackson, Brown of Tuscaloosa, Bruce, Carson, Chapman, Clark of Perry, Clopton, Cloud, Cockrell, Cowan, Crawford, Corsbie, Donoho, Dotson, Dozier, Draxler, Dustan, Elliott, Ellsworth, Franklin, Galaspie, Goldsby, Greene of Hale, Greene of Jefferson, Gresham, Hamilton, Hannon, Hawkins, Howell, Hunter, Johnson, Jones of Lee, Jones of Madison, Kelly, Lamb, Lawrence, Lee, Levey, Lewis, Lovvorn, McAfee, McCaskie, McCoy, McHugh, Mancill, Manning, Masterson, Maull, Merriwether, Moss, Murphree, Musgrove, Patterson of Autauga, Patterson of Macon, Peddy, Purcell, Reed, Reese, Renfroe, Simpson, Slater, Smith of Bibb, Smith of Morgan, Smith of Dallas, Speed, St. Clair, Satllworth, Steel of Madison, Steel of Montgomery, Stribling, Taylor of Lauderdale, Taylor of Sumter, Threat, Thomas, Vaughn, Walker, Whatley, Weatherford, White of Clay, Wilkinson, Williams of Barbour.

A quorum being present, the Journal of yesterday was read and approved.

Mr. Levey moved to reconsider the vote by which the House on yesterday ordered the Governor's Message to lie on the table and be printed.

On motion of Mr. McCaskie the motion to reconsider was laid upon the table.

Mr. Dustan, by leave—

Introduced a bill to amend the act authorizing the issue of State certificates by the Governor.

Read twice.

Mr. Boyd moved to amend by an additional section requiring the State Treasurer to redeem said certificates (when presented in sum of \$100) in United States currency.

Mr. Dustan moved to refer both bill and amendments to the Committee of the Whole and to have 125 copies printed, and that the consideration of the matter in the Committee of the Whole be made the special order for Thursday next at 12 m.

Mr. Ellsworth moved to refer to the Select Finance Committee of the House.

Mr. Boyd moved to refer to a Select Committee with the gentleman from Marengo as chairman.

Tabled.

Mr. Taylor of Lauderdale, moved to strike out that

portion of the motion which contemplates the printing of the bill.

Agreed to.

The committee to inquire into the practicability of reducing the expenditures of the State on account of the feeding of prisoners, consists of Messrs. Jones of Lee, Williams of Barbour, and Stone of Pickens.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
Dec. 2, 1873. }

*Mr. Speaker :*

The Senate has originated and adopted

#### JOINT RESOLUTIONS,

Instructing the Senators and requesting the Representatives in Congress from Alabama, to urge upon the Congress the passage of a law directing the survey and improvement of the Warrior and Cahaba rivers.

Also joint resolution—

In relation to the revisal of the revenue system of this State.

And passed bill—

To prohibit the sale or giving away of spirituous, vinous or malt liquors within two miles and a half of Dudleyville academy in the county of Tallapoosa.

And ordered the same forthwith to the House without engrossment.

MIKE L. WOODS,  
Sec'y of Senate.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
Dec. 2, 1873. }

*Mr. Speaker :*

The Senate has originated and passed bills with the following titles:

To amend an act entitled an act to incorporate the National Hotel Company of Selma, approved December 7th, 1866.

For the relief of Creed Taylor, assignee of John L. Kirby of the county of Marshall.

To create a new voting precinct called Pettusville, in the county of Limestone.

To establish an election precinct at Chandler's Springs, in the county of Talladega.

To enlarge the powers of Sheriff in Etowah county as therein shown.

To codify and revise the statute laws of the State of Alabama of a general and public nature.

And has adopted—

A joint memorial to the Congress of the United States, asking aid for the development of the Cahaba and Warrior coal fields, and the establishment of a coaling depot in the Gulf of Mexico, near Mobile.

And has passed a bill—

For the relief of Seaburn A. Edwards of Perry county, as administrator of the estate of A. M. Mahan.

And ordered the same forthwith to the House without engrossment.

And has passed without amendment,

#### HOUSE BILL

To amend section four of an act entitled an act to regulate property exempt from sale for the payment of debts, approved April 23d, 1873.

And with amendment bill—

To amend an act entitled an act "to fix the time of holding the courts in the fifth judicial circuit."

MIKE L. WOODS,  
Sec'y. of Senate.

Mr. Lawrence, chairmain Committee on Enrolled Bills submitted the following

#### REPORT :

*Mr. Speaker :*

Your Committee on Enrolled Bills, to which was re-



ferred bills and joint resolutions to be entitled as follows :

## AN ACT

To authorize the court of county commissioners of Covington county to levy a special tax for the payment of grand and petit jurors.

## AN ACT

For the protection of unfortunate females, and to prohibit their being worked on the public streets of the several incorporated towns and cities of this State as a means of punishment for the violation of city or town ordinances.

## AN ACT

To prohibit the sale or otherwise disposing of spirituous, vinous or malt liquors within two and one-half miles of Choctaw Camp Ground in Choctaw county, at certain times therein named.

## AN ACT

To legitimate the children of Anna Jones, before her marriage with Josiah Jones of Covington county.

## AN ACT

To repeal an act to regulate the fees of notaries public and justices of the peace for Wilcox county, and to provide for the payment of the same in certain cases.

## AN ACT

To repeal section 1374 of the Revised Code of Alabama, so far as relates to the county of Randolph.

## AN ACT

To prevent the sale of vinous, spirituous liquors or intoxicating bitters in three miles of Piney Grove Church and school house in Morgan county.

## AN ACT

To repeal an act to consolidate the offices of tax assessor and collector of Covington county.

## AN ACT

To abolish the court of quarter sessions of Wilcox county, and to transfer all the causes therein pending, both civil and criminal, together with all the dockets, papers and books of the said court of quarter sessions, to the circuit court of Wilcox county Alabama.

## AN ACT

To amend section two of an act to incorporate the town of Guntersville in the county of Marshall.

## JOINT RESOLUTION,

Inviting United States Transportation Committee to the city of Montgomery,

Of thanks to the city authorities of Opelika, Birmingham and Talladega.

Instructing Joint Committee on Finance.

Instructing our Senators and Representatives in Congress to use their influence to secure to the State amount due from the United States, on account of the claim of five per cent. on the lands within the State, taken up by land warrants issued by the United States, beg leave to report that they have examined the same and find them correctly enrolled.

G. W. LAWRENCE,  
Chairman.

## SPECIAL ORDER.

The hour of 12 M. having arrived, the bill to incorporate the town of Courtland in Lawrence county, which had been made the special order for that hour, was taken up.

Mr. Anderson moved to give the bill for the relief of the Insane Asylum the precedence—both being special orders.

Mr. Dustan moved to amend by taking up the bill under discussion when the hour of 12 m. arrived.

Lost ;

The motion of Mr. Anderson was put and carried.

Mr. Bruce from the Committee on Ways and Means, was proceeding to report upon the Senate joint resolution for the relief of the Alabama Insane Asylum, when

Mr. Dustan of Marengo appealed from the decision of the chair, ruling this bill to have been brought before the House by a majority, instead of a four-fifths vote of the House.

On the question shall the decision of the chair stand as the judgment of the House ;

The vote was taken by yeas and nays and resulted as follows :

Those voting in the affirmative are—

Messrs. Anderson, Ash, Barnett, Barrow, Barton, Brewer, Broadnax, Clopton, Cloud, Cochran, Corsbie, Donoho, Dozier, Draxler, Ellsworth, Galaspie, Goldsby, Greene of Jefferson, Gresham, Hamilton, Hannon, Howell, Hunter, Jones of Lee, Jones of Madison, Lawrence, Lee, Lovvorn, McAfee, McHagh, Manning, Moss, Musgrove, Patterson of Autauga, Peddy, Purcell, Renfroe, Smith of Tallapoosa, Steel of Madison, Steel of Montgomery, Stone, Taylor of Sumter, Vaughn, Whatley and Wilkinson.

Yeas 46.

Messrs. Bruce, McCaskie, Slater and Stribling, were excused from voting.

Those voting in the negative are—

Messrs. Boyd, Brown of Jackson, Carson, Clarke of Barbour, Clarke of Perry, Cockrell, Cowan, Crawford, Davis, Dotson, Dustan, Elliott, Fantroy, Franklin, Hawkins, Johnson, Levey, Lewis, McCoy Masterson, Mathews, Maull, Millen, Merriwether Murphree, Patterson of Macon, Reed, Reese, Simpson, Smith of Bibb, Smith of Dallas, Speed, St. Clair, Stallworth, Taylor of Lauderdale, Threat, Thomas, Treadwell, Walker, White of Clay, and Williams of Barbour.

Nays, 41.

The hour of 1 p. m. having arrived,

The civil rights bill, being the special order for that hour, was taken up.

Mr. Hunter moved that the consideration of the bill be postponed until to-morrow.

Mr. Boyd moved to amend the motion by postponing the bill until the 15th day of December.

Mr. Williams of Barbour moved to lay the amendment on the table.

Ruled out of order.

Points of order were raised in various parts of the House, but the Speaker ruled the amendment in order.

Mr. Clarke of Perry raised the point of order that it would take a four-fifths vote to adopt Mr. Boyd's amendment.

The Speaker ruled that the point was not well taken.

The point of order was raised that the merits of the bill could not properly be discussed under a motion to postpone to a day certain.

The Speaker sustained the point of order.

#### MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
Montgomery, Dec. 2, 1873. }

*Mr. Speaker :*

I am directed by the Governor to inform the House of Representatives that he has this day approved the following bill originating in the House :

An act to abolish the court of quarter sessions of Wilcox county, and to transfer all of the causes therein pending, both civil and criminal, together with all of the dockets, papers and books of the said court of quarter sessions to the circuit court of Wilcox county, Alabama.

Respectfully,

C. J. ATKINSON,  
Recording Sec'y.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
Dec. 2, 1873. }

*Mr. Speaker :*

The Senate has originated and passed a bill—

To regulate the practice in cases of application for

mandamus in the courts of this State inferior to the Supreme Court.

And ordered the same forthwith to the House without engrossment.

MIKE L. WOODS,  
Sec'y of Senate.

Pending debate on the question before the House, Mr. Dustan moved to adjourn until 10 o'clock to-morrow.

On the motion to adjourn the vote was taken by yeas and nays, and resulted as follows:

Those voting in the affirmative are—

Messrs. Bruce, Carson, Clarke of Barbour, Clarke of Perry, Cloud, Cochran, Cockrell, Davis, Dotson, Dozier, Dustan, Ellsworth, Fantroy, Goldsby, Hannon, Hawkins, Hunter, Johnson, Jones of Madison, Lamb, Levey, Lewis, McAfee, Mathews, Maull, Millen, Merriwether, Moss, Patterson of Antauga, Patterson of Macon, Reed, Reese, Smith of Dallas, Speed, St. Clair, Steel of Montgomery, Taylor of Sumter, Threat, Thomas, Treadwell, Walker, Williams of Barbour, Williams of Montgomery—Yeas, 43.

Those voting in the negative are—

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Barton, Boyd, Brewer, Broadnax, Brown of Jackson, Brown of Tuskaloosa, Chapman, Clopton, Cowan, Crawford, Corsbie, Donoho, Draxler, Elliott, Franklin, Galaspie, Greene of Jefferson, Gresham, Hamilton, Howell, Jones of Lee, Kelly, Lawrence, Lee, Lovvorn, McCaskie, McCoy, McHugh, Mancill, Manning, Masterson, Murphree, Musgrove, Peddy, Purcell, Renfroe, Smith of Bibb, Smith of Morgan, Smith of Tallapoosa, Stallworth, Steel of Madison, Stone, Stribling, Taylor of Lauderdale, Vaughn, Whatley, Weatherford, White of Clay, Wilkinson—Nays, 54.

So the House refused to adjourn.

Mr. Hunter asked leave to withdraw his motion.

Mr. Taylor of Lauderdale raised the point of order that the motion of the gentleman from Marshall was the matter before the House, and that the leave asked by Mr. Hunter was not before the House, and could not be considered by it.

The chair overruled the point, deciding that Mr. Hunter's request was before the House for its action.

The question being put,  
The vote was taken by yeas and nays, and resulted as follows :

Those voting in the affirmative are—

Messrs. Speaker, Barton, Bruce, Carson, Clarke of Barbour, Clarke of Perry, Cloud, Cochran, Cockrell, Davis, Dotson, Dozier, Dustan, Ellsworth, Fantroy, Goldsby, Hannon, Hawkins, Hunter, Johnson, Jones of Madison, Lamb, Levey, Lewis, Lovvorn, McAfee, McCaskie, Masterson, Mathews, Maull, Millen, Merriwether, Patterson of Autauga, Patterson of Macon, Reed, Reese, Simpson, Smith of Dallas, Speed, St. Clair, Steel of Madison, Steel of Montgomery, Taylor of Sumter, Threat, Thomas, Treadwell, Walker, Williams of Barbour, Williams of Montgomery—Yeas, 49.

Those voting in the negative are—

Messrs. Anderson, Ash, Barnett, Barrow, Boyd, Brewer, Brodnax, Brown of Jackson, Brown of Tuska-loosa, Chapman, Clopton, Cowan, Crawford, Corsbie, Donoho, Draxler, Elliott, Franklin, Galaspie, Greene of Jefferson, Gresham, Hamilton, Howell, Jones of Lee, Kelly, Lawrence, Lee, McCoy, McHugh, Mancill, Manning, Murphree, Musgrove, Peddy, Purcell, Renfroe, Slater, Smith of Bibb, Smith of Morgan, Smith of Tallapoosa, Stallworth, Stone, Stribling, Taylor of Lauderdale, Vaughn, Whatley, Weatherford, White of Clay, Wilkinson—Nays, 49.

So the motion was not agreed to.

Mr. Dustan moved to adjourn.

Lost—Ayes, 47 ; Noes, 51.

Mr. McAfee desired to divide the question.

Mr. Walker of Dallas moved the previous question.

The chair ruled that the motion to postpone to a day certain could not be subordinated to the previous question.

Mr. Clarke of Perry moved to order the bill upon its third reading to-morrow.

The point of order was raised that the amendment was not germane to the amendments, and that the motion to postpone had precedence.

Mr. Merriwether moved to adjourn.

Lost—Ayes, 43 ; Noes, 48.

The Speaker decided the amendment to be in order.

Mr. Manning appealed from the decision of the Speaker.

Pending debate on Mr. Manning's appeal,  
On motion of Mr. Stribling,  
The House adjourned until 10 o'clock to-morrow.

WEDNESDAY, Dec. 3, 1873.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Gwin.

The roll was called and the following members answered to their names :

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Barton, Boyd, Brewer, Broadnax, Brown of Jackson, Brown of Tuskaloosa, Bruce, Carson, Chapman, Clarke of Barbour, Clarke of Perry, Clopton, Cloud, Cochran, Cockrell, Cowan, Crawford, Corsbie, Davis, Donoho, Dotson, Dozier, Draxler, Dustan, Elliott, Ellsworth, Fantroy, Franklin, Galaspie, Goldsby, Greene of Jefferson, Gresham, Hamilton, Hannon, Hawkins, Howell, Johnson, Jones of Lee, Jones of Madison, Kelly, Lawrence, Lee, Levey, Lewis, Lovvorn, McAfee, McCaskie, McCoy, McHugh, Manning, Masterson, Mathews, Maull, Millen, Merriwether, Moss, Murphree, Musgrove, Patterson of Autauga, Patterson of Macon, Peddy, Purcell, Reed, Reese, Renfroe, Simpson, Slater, Smith of Bibb, Smith of Morgan, Smith of Tallapoosa, Smith of Dallas, Speed, St. Clair, Stallworth, Steel of Madison, Steel of Montgomery, Stone, Stribling, Taylor of Lauderdale, Taylor of Sumter, Threat, Thomas, Treadwell, Vaughn, Walker, Whatley, Weatherford, White of Clay, Wilkinson and Williams of Barbour.

A quorum being present,

The Journal of yesterday was read and approved.

#### MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT, }  
Montgomery, December 3, 1873. }

*Mr. Speaker :*

I am instructed by the Governor to communicate to

the House of Representatives a message in writing, with accompanying document.

Respectfully,

CHARLES J. ATKINSON,  
Recording Secretary.

STATE OF ALABAMA, }  
EXECUTIVE DEPARTMENT, }  
Montgomery, December 3, 1873. }

*Gentlemen of the General Assembly of Alabama :*

I have the honor to enclose herewith report of Hon. Frank Draxler, as Chairman of Commissioners from the State of Alabama to the Universal Exposition at Vienna, Austria, 1873.

Your obedient servant,

DAVID P. LEWIS,  
Governor.

#### REPORT.

STATE OF ALABAMA, }  
Montgomery, Dec. 1st, 1873. }

*To His Excellency, David P. Lewis, Governor,  
and the General Assembly of Alabama :*

SIR, AND GENTLEMEN—I have the honor to submit herewith report of the Commissioners of the State of Alabama to the Universal Exhibition at Vienna, Austria, 1873, according to appointment January 18th, and as per act of the Legislature approved March 10th, 1873, presenting the subject for your favorable considerations.

When appointed I proceeded at once with making applications in various directions for material suitable for exhibition, as described in the proclamation by the Governor January 21st, 1873, but was not as successful as I had a right to anticipate, from some reason or other, perhaps because people in general who could have contributed were not alive to the importance of the matter at that time; yet towards my departure to the field of action a sufficient quantity of material was gathered to make an interesting and practical display.



Outside of articles gathered by me personally and procured with means at my disposal, the following contributions were made, viz :

Mobile Cotton Exchange—Five bales of cotton, different grades.

A. J. Ingersoll, Mobile—One bale of cotton.

F. Ingate, Mobile—One bale of cotton.

Jas. R. Powell, Birmingham—Specimens of minerals ; a complete collection from that section of the State, arranged by Professor Wm. Gessner.

Estate of Dr. Henry McKenzie, Talladega county—Specimens of marble, lithographic stone, &c., through Mrs. A. McKenzie.

Commissioner of Industrial Resources—Various specimens of minerals.

Reuben Nix, Montgomery county—Sculptured lion of Talladega marble.

W. B. Stanwood, Lowndes county—Assortment of bamboo canes.

J. M. Jackson, Clarke county—Yellow ochre earth.

Ashby Iron Company, by J. M. Smith—Specimens of fine ores.

J. C. Gwin & Co., Mobile—Specimens of wooden ware.

J. H. Terry, Fayette Courthouse—Specimens of oil coal.

Smith & Duskin—Combination hoe.

John Graff, Mobile county—Sweet potatoes.

I regret not being able to record more, particularly in manufactured goods, implements, inventions, cotton and wool fabrics, charts and views of public institutions, prominent factory buildings, cities and towns, all of which would have been suitable for embellishment and decoration on a larger scale than the same was accomplished with the material on hand and procured for the purpose.

Thanks are due the above named parties for co-operation ; also to Col. H. Haynes for marking off on a map the coal and mining districts.

To Professor Egleston, founder of the United States Mining School, for his professional assistance, in showing up the value of Alabama Ores, &c., to the International Jury.

Next in order would be the important feature of distributing printed statistics and matter describing the State of Alabama, for which I had several hundred of

Col. Tait's Reports, also about three hundred Alabama Manuals, by Col. Jos. Hodgson, of 1870, 1871 and 1872, giving a complete and elaborate description, which was specially in demand with representatives of Statistical Bureaus of the various Nations, and others particularly interested in such matters; further, I procured what was considered decidedly good for the purpose—7,500 copies of the journal called the *The South*, published in New York, April 5, 1873, and devoted to Alabama exclusively, containing many practical, statistical, geographical and editorial matters of interest, also contributions by various prominent men, such as Daniel Pratt, Ex-Gov. Patton, Jas. R. Powell, Prof. N. T. Lupton, and others.

Over five thousand of that issue were gotten up in the German Language, expressly for distribution at the Vienna Exposition, and proved to be favorably considered, the demand being quite animated, particularly as the distribution was complimentary, and 50,000 copies would not have been too many. Some of the Vienna journals frequently made courteous allusions, with extracts from the "Manual" and *The South*, showing up satisfactory results of that part of the programme, as also with the general exhibit, as no endeavors or expense were spared to employ taste and decoration in fitting up the "Alabama Section."

The principal part of the cotton bales on exhibition from Mobile and New Orleans was appropriated to the erection of the National Trophy of Agriculture, and it is gratifying to state, as it was acknowledged to be one of the most prominent things exhibited at this six months' session of the Great High School of all Nations in the World.

### VIVIBUS UNITIS.

This Vienna Exposition was eminently a greater and more important success than was anticipated, and deserves, as it has universal admiration, with regard to its appointments and extent, if it has been a failure in regard to financial results, that simply shows the pecuniary sacrifice the Government of Austria made in order to accomplish the object without reserve.

More space would be required than proper, perhaps, to occupy within this report respecting observations con-

cerning matters of general interest within the sphere of industrial, scientific, commercial, agricultural and social improvements, therefore permit me to continue with the further description of the principal facts.

The awards as published to the world consist of designation by name with Diplomas and Medals of Bronze.

The State of Alabama has been awarded a

### MEDAL OF MERIT

for its collective exhibit of Minerals, &c.

Such a designation is given to exhibitors who can lay claim to excellence and perfection in material and workmanship, large extent of production, the opening of new markets, the employment of improved tools and machinery, and cheapness of produce.

The contributors of Cotton are entitled to the consideration of a

### MEDAL OF PROGRESS.

Such a designation is awarded to exhibitors whose new inventions or productions testify marked progress in the introduction of novel and fine materials, contrivances, &c., as compared with similar productions shown at previous exhibitions.

Those medals will be sent to the State Department at Washington, and from there distributed to those entitled to same.

Of regular appointed Commissioners, I had the pleasure of a visit at Vienna of Mr. Eugene Beebe, of Montgomery, who had the kindness to offer his services, if required. Of other Commissioners that visited, calling upon me, were Mr. Jos. Reinach, of Mobile, and Mr. Jas. T. Rapier, of Montgomery.

The United States Department at the Exhibition was certainly a very interesting one to the rest of the world, notwithstanding the prevailing idea that it was insufficient for this great country, but there were incomprehensible causes and circumstances, therefore, in my humble opinion, the exhibit as it was in general was quite appropriate, showing up natural resources to any extent, establishing the fact that there is room yet for a numberless industrial population, and means to develop them, renewing the spirit of emigration hither in preference to

other new countries, and there is no doubt such results will show themselves ere long, as other Southern States also rendered their strong quota upon this occasion, therefore it remains to be seen how further problems can be solved in accomplishing the work commenced, rendering systematic or popular assistance and encouragement when and wherever it may be required in this State to make new comers feel at home, and secure in their enterprises and labor.

Without expressing myself over sanguine at the favorable consequences of this mission, it is certainly also calculated to prove a source of pride to the people of Alabama to have been represented upon this great occasion, in which every country of the Globe participated.

In conclusion, I beg leave to state that from beginning to the end of the operations necessary, ten months of time and attention were devoted to the case with all the ways and means at my disposition, incurring more actual expenses than the appropriation of a two thousand dollar State warrant, of which an account will be rendered as directed.

Trusting the facts as described in a condensed form above will meet your approbation, and that my faithful and disinterested services in the premises prove satisfactory,

I have the honor to remain,

Very respectfully, your obedient servant,

FRANK DRAXLER,

Chairman.

Mr. Gresham was excused for having been absent (on account of sickness) during the first part of the session.

By leave, Mr. Jones, of Lee, introduced a bill to enlarge the duties of the Private Secretary of the Governor.

Referred to Capitol Committee.

Also, to amend section 1 of the act for the encouragement of mining, manufacturing, industrial, agricultural and commercial pursuits in the State of Alabama.

Referred to Committee on Agriculture.

Also, for the protection of plantations and lands against the depredations of stock, in the counties of Lee and Chambers.

Referred to a select committee composed of the delegations from Lee and Chambers counties.

Also, to prohibit liquor sales within 2 miles of Yonges-

boro and within  $1\frac{1}{4}$  miles of the Chewacla Lime Works in Lee county.

Passed.

Also, to authorize the City Council of Opelika to issue bonds and certificates.

Referred to Finance Committee.

By leave, Mr. Bruce, from the Joint Finance Committee, reported a bill to provide for the funding of the domestic debt of this State.

Read twice, and on motion made the special order for 12 M. to-morrow, and at the same hour from day to day thereafter until disposed of.

Mr. Dustan moved to refer the bill to provide for a reissue of the State certificates to the Committee on Finance, with the amendment thereto, with instructions to report at 12 M. Saturday.

Agreed to.

#### REPORTS OF JUDICIARY COMMITTEE.

Mr. McAfee, chairman, reported a substitute for the bill to repeal the act establishing a criminal court for the county of Russell, with civil and criminal jurisdiction.

Substitute adopted and bill passed.

Also, substitute for the bill relative to section 73 of the Revised Code, and certain services rendered thereunder.

The substitute, which is entitled "a bill to authorize the Secretary of State to employ temporary clerks and for the payment of clerical services heretofore rendered;" was adopted and the bill passed.

Also, favorably, with an amendment, to the bill to amend section 4 of the exemption act of February—1873.

Amendment adopted and bill passed.

Also, favorably, with an amendment, to the bill to regulate the trial of attachment cases.

Amendment adopted and bill passed.

Also, favorably, to the bill to provide for assignments of error in facts as well as in law in all appeals to the supreme court in chancery proceedings.

Passed.

Also, favorably, with an amendment, to the bill to compel judges and chancellors to discharge their official duties.

Amendment adopted.

After discussion, Mr. Anderson moved to recommit the bill to the Committee on the Judiciary with instructions to report.

Mr. McAfee moved the previous question, but subsequently withdrew his motion, and the bill was recommit-  
-mitted.

On motion of Mr. Clarke of Perry—

The House adjourned till 10 A. M. to-morrow.

THURSDAY, December 4, 1873.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Gwin.

The roll was called and the following members answered to their names :

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Barton, Boyd, Brewer, Brown of Jackson, Brown of Tuskaloosa, Bruce, Carson, Chapman, Clarke of Barbour, Clarke of Perry, Clopton, Cloud, Cockrell, Cowan, Crawford, Corsbie, Davis, Donoho, Dotson, Dozier, Draxler, Dustan, Elliott, Ellsworth, Fantroy, Franklin, Galaspie, Goldsby, Gresham, Hamilton, Hannon, Hawkins, Howell, Hunter, Johnson, Jones of Lee, Jones of Madison, Kelly, Lamb, Lawrence, Lee, Lewis, Lovvorn, McAfee, McCaskie, McCoy, McHugh, Mancill, Manning, Master-son Mathews, Maull, Millen, Merriwether, Moss, Murphree, Musgrove, Patterson of Autauga, Patterson of Macon, Peddy, Purcell, Reed, Reese, Renfroe, Simpson, Slater, Smith of Bibb, Smith of Morgan, Smith of Tallapoosa, Smith of Dallas, Speed, St. Clair, Stallworth, Steel of Madison, Steel of Montgomery, Stone, Stribling, Taylor of Lauderdale, Taylor of Sumter, Threat, Thomas, Treadwell, Vaughn, Walker, Whatley, Weatherford, White of Clay, Wilkinson, Williams of Barbour.

A quorum being present,

The journal of yesterday was read and approved.

Mr. Cowan moved to suspend the regular order and take up Senate Messages.

Agreed to.

## SENATE BILLS AND RESOLUTIONS ON FIRST READING.

Joint Resolution to raise a joint committee to enquire into the irregularities alleged against the department of education by the commissioners appointed by the Governor.

Mr. McAfee moved to amend by adding "that said committee shall carefully compare each voucher on file in said office with the accounts, &c."

Mr. Clarke of Perry had no objection to the amendment nor did he believe the Superintendent would object to it. He hoped the investigation would be made because he believed that it would justify the conduct of the Superintendent.

Mr. Cloud endorsed the views of the member from Perry, and hoped the resolution would be adopted.

Mr. Jones of Lee suggested that the committee should be allowed to sit during the sessions of the House.

Pending debate the hour of 11 A. M., arrived when the

## SPECIAL ORDER

for that hour, viz: The Senate Joint Resolution for the relief the Alabama Insane Asylum, was taken up—the pending question being the reception of the report of the House Committee on Ways and Means thereupon.

The report was adopted.

The question then recured upon the adoption of the amendment proposed by the said House Committee, and it was adopted.

The amendment, referred with the Joint Resolution to the committee, was also adopted; and thereupon the amended Joint Resolution was read a third time and adopted.

The vote was taken by yeas and nays and resulted as follows:

Those voting in the affirmative are:

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Barton, Brewer, Broadnax, Brown of Jackson, Brown of Tuskaloosa, Bruce, Carson, Chapman, Clarke of Perry, Clopton, Cloud, Cochran, Cockrell, Cowan, Crawford, Donoho, Dotson, Draxler, Elliott, Ellsworth, Fantroy, Galaspie, Goldsby, Greene of Jefferson, Gresham, Hamilton, Hawkins, Howell, Hunter, Johnson, Jones of Madison, Kelly, Lamb, Lawrence, Lee, Levey, McAfee,

McCaskie, Manning, Mathews, Maull, Millen, Merriwether, Moss, Murphree, Musgrove, Patterson of Autauga, Patterson of Macon, Peddy, Purcell, Reed, Simpson, Slater, Smith of Tallapoosa, Smith of Dallas, Speed, St. Clair, Stallworth, Steel of Madison, Steel of Montgomery, Stone, Stribling, Taylor of Sumter, Vaughn, Walker, White of Clay, Wilkinson.

Yeas, 72.

Those voting in the negative are—

Messrs. Boyd, Clarke of Barbour, Corsbie, Dozier, Dustan, Franklin, Hannon, Jones of Lee, Lewis, Lovvorn, McCoy, Mancill, Masterson, Reese, Smith of Bibb, Smith of Morgan, Taylor of Lauderdale, Threat, Thomas, Treadwell, Whatley, Williams of Barbour.

Nays, 22.

Mr. Boyd raised the point of order, that this bill required a two-thirds affirmative vote of the House to pass it.

The Speaker said that 72 votes exceeded a two-thirds vote.

Mr. Barnett moved to reconsider the vote by which the bill passed, and to lay that motion on the table.

Mr. Cowan called for a division of the question ;

And the motion to table having been submitted,

The motion to reconsider was tabled—Ayes, 47 ;  
Noes, 32.

#### MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, }  
EXECUTIVE DEPARTMENT, }  
Montgomery, December 3, 1873. }

*Mr. Speaker :*

I am instructed by the Governor to inform the House of Representatives that he has this day approved the following bills which originated in the House :

#### AN ACT

To repeal section one thousand three hundred and sev-



enty-four of the Revised Code of Alabama, so far as relates to the county of Randolph.

#### AN ACT

For the protection of unfortunate females, and to prohibit their being worked on the public streets of the several incorporated towns and cities of this State as a means of punishment for the violation of city or town ordinances.

#### AN ACT

To repeal an act to consolidate the offices of tax assessor and collector of Covington county.

#### AN ACT

To prevent the sale of vinous and spirituous liquors or intoxicating bitters in three miles of Piney Grove Church and schoolhouse, in Morgon county.

#### AN ACT

To repeal an act entitled "An act to regulate the fees of notaries public and justices of the peace for Wilcox county, and to provide for the payment of the same in certain cases.

#### AN ACT

To legitimate the children of Anna Jones before her marriage with Josiah Jones, of Covington county.

#### AN ACT

To prohibit the sale or otherwise disposing of spirituous, vinous or malt liquors within two and one-half miles of Choctaw Camp Ground, in Choctaw county, at certain times therein named.

#### AN ACT

To authorize the court of county commissioners of Covington county to levy a special tax for the payment of grand and petit jurors.

Also, the following joint resolutions :

JOINT RESOLUTION

Instructing our Senators and Representatives in Congress to use their influence to secure to the State, amount due from the United States, on account of the claim of five per cent. on the lands within the State taken up by land warrants issued by the United States.

JOINT RESOLUTION

Of thanks to the city authorities of the cities of Opelika, Birmingham and Talladega.

JOINT RESOLUTION

Referring to the State certificates known as Patton money.

Respectfully,

CHAS. J. ATKINSON,  
Recording Sec'y.

SPECIAL ORDER NO. 2.

The bill to establish revenue laws for the State of Alabama,

Being the second special order for 11 A. M., was then taken up.

Mr. Boyd moved to strike out "conclusive" and insert "prima facie" in the third sub-division of section 84.

Agreed to.

Mr. McAfee moved to strike out section four.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
Dec. 4, 1873. }

*Mr. Speaker :*

The Senate has passed with amendment, by way of substitute,

HOUSE BILL

To authorize W. K. Parmer, administrator of the es-

tate of Joseph M. Parmer, deceased, late of Butler county, to sell the lands of said estate at private sale.

And amended the title so as to read as follows:

To authorize the judges of probate to order and decree the sale of lands of estates to be made at private sale.

And has originated and passed a bill—

To amend section 2537 of the Revised Code of Alabama.

Also, a bill—

To provide for the funding of the domestic debt of this State.

And ordered the same forthwith to the House.

MIKE L. WOODS,  
Secretary Senate.

Mr. McAfee, in view of the proposed introduction of other amendments calculated to save the school fund from loss, withdrew his amendment.

Mr. Barnett moved to amend section 56, lines 6, 7, and 8, so as to require separate lists of insolvencies of each beat to be returned by the commissioners court to the tax collector, who shall advertise such lists for sale in the beats for which they are returned and sell the same.

Adopted.

Mr. Taylor of Lauderdale moved to amend section 133 by proviso, that nothing contained in this bill shall repeal or modify the act of 1873, entitled an act to keep in each county of the State a proportionate share of the public school fund.

Adopted.

Mr. White moved to amend section 26, by striking out so much thereof as authorizes the State Board of Equalization to equalize the assessed values of lands in the several counties of the State.

The hour of 1 P. M. having arrived,

Mr. Anderson moved that the consideration of the civil rights bill be temporarily suspended, in order that the House may dispose of the revenue bill.

The motion to suspend prevailed.

Mr. Matthews moved to amend by authorizing the Governor to appoint one man from each congressional district to act as the State Board contemplated by the bill.

Tabled.

The amendment proposed by Mr. White was adopted.

Mr. Anderson moved to amend by striking out so much of section 84 as, in suits for the recovery of lands, sold for taxes and deeded by the probate judge, places on the claimants the *onus probandi* :

1. That the property was not subject to taxation for the year named ;

2. That the taxes had been paid before the sale ; or,

3d. That the property had been redeemed according to law, as also that said claimant shall not be permitted to question the title conveyed by the probate judge's deed without first showing that the said claimant had title to said property at the time it was sold and that all taxes due thereon had been paid.

Pending debate,

Mr. Chapman rose to a question of privilege.

He had left his key on his desk last evening, and this morning found that some person had, during a caucus held in the Hall last night, made a spittoon of his desk—spitting tobacco juice over his private papers. He therefore moved the adoption of a resolution instructing the doorkeeper to keep an eye of protection over the private property of members left in their desks.

The resolution was adopted ; and thereupon,

On motion of Mr. McCaskey,

The House adjourned to 10 o'clock to-morrow.

---

FRIDAY, Nov. 25, 1873.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Gwin.

The roll was called and the following members answered to their names :

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Barton, Boyd, Brewer, Broadnax, Brown of Jackson, Brown of Tuskaloosa, Bruce, Carson, Chapman, Clark of Barbour, Clarke of Perry, Clopton, Cloud, Cochran, Cockrell, Cowan, Crawford, Corsbie, Davis, Donoho, Dotson, Dozier, Draxler, Dustan, Elliott, Ellsworth, Fantroy, Franklin, Galaspie, Goldsby, Greene of Hale, Greene of Jefferson, Gresham, Hamilton, Hawkins, Howell, Hunter, Johnson, Jones of Lee, Jones of Madison, Kelly, Lamb, Lawrence, Lee, Levey, Lewis, Lovvorn, McAfee, McCas-

kie, McCoy, McHugh, Mancill, Manning, Masterson, Mathews, Maull, Millen, Meriwether, Moss, Murphree, Musgrove, Patterson of Autauga, Patterson of Macon, Purcell, Reed, Reese, Renfroe, Simpson, Slater, Smith of Bibb, Smith of Morgan, Smith of Tallapoosa, Smith of Dallas, Speed, St. Clair, Stallworth, Steel of Madison, Stone, Taylor of Lauderdale, Taylor of Sumter, Threat, Thomas, Vaughn, Walker, Whatley, Weatherford, White of Clay, Wilkinson, and Williams of Barbour.

A quorum being present the Journal of yesterday was read and approved.

Leave of absence was granted Messrs. Hannon and Peddy, on account of sickness in their respective families.

Mr. Lawrence, from the Committee on Enrolled Bills, made the following report :

#### REPORT FROM COMMITTEE ON ENROLLED BILLS.

*Mr. Speaker :*

The Committee on Enrolled Bills, to which was referred the following bills :

#### AN ACT

To repeal an act entitled an act to require the court of county commissioners to publish semi-annual exhibits of the receipts and expenditures of money for and on account of their respective counties, approved August 12, 1868, and to repeal sections 117 and 118 of an act to establish revenue laws for the State of Alabama, approved December 31, 1868, so far as applies to the county of Crenshaw ;

#### AN ACT

To regulate publication of legal notices in the county of Crenshaw ;

#### AN ACT

To regulate the disposition and management of the bequest made by James Wallace, late of Lawrence county,

Alabama, for the benefit of free public schools in township seven, range nine, west, in said county;

#### AN ACT

To lay off the county of Conecuh into four commissioners districts;

#### JOINT RESOLUTION

To raise a joint committee to consider the petition of W. C. Bibb in relation to the introduction into the State of a steam traction engine, adapted to transportation and agricultural purposes;

Have had the same under consideration, and instruct me to report them correctly enrolled.

GEO. W. LAWRENCE,  
Chairman.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
Dec. 5, 1873. }

*Mr. Speaker :*

The Senate has originated and passed bills with the following titles:

To provide weights and measures for the county of Dale.

In relation to the Finances of Sumpter county.

To amend section 3705 of the Revised Code of Alabama.

To define and limit the powers of Judges or other Magistrates over fines assessed by juries in criminal cases.

To establish a voting precinct at Stonewall in Sumter county in beat No. 19 of said county.

To perfect service in criminal prosecutions against corporations.

To remove the administration of the estate of Thomas C. Daniel, deceased, from the county of Autauga to the county of Perry.

To prohibit any person from selling, giving away, or otherwise disposing of spirituous liquors within four miles of the following named churches: "Letohatchie Methodist," "Tabernacle Methodist," in Montgomery

county, six miles north east of Letohatchie—"Steep Creek Baptist Church" three and one-half miles north west of Letohatchie in the county of Lowndes, and "Pleasant Valley Methodist Church" in said county.

To authorize Mrs. Virginia Owen Green, wife of Thomas F. Green, of the county of Jefferson, to purchase property and to mortgage the same for the security of the unpaid purchase money.

To amend the 1st section of an act to prohibit the sale of spirituous or vinous liquors within an area of five miles of Stonewall Iron-works in Cherokee county, in this State.

To require all persons holding claims against the county of Choctaw to register the same.

To establish an election precinct at Pike Roads in Montgomery county.

To repeal an act entitled an act to authorize the publication of laws of Alabama, approved October 10, 1868, and an act entitled an act to amend the same, approved December 19, 1871.

To amend section one of an act entitled an act to incorporate the city of Birmingham in Jefferson county, approved December 19, 1871.

And has adopted a

#### JOINT MEMORIAL

To the Congress of the United States in relation to homesteads in the State of Alabama.

The Senate has also concurred in House amendments to Senate

#### JOINT RESOLUTIONS

To provide for the payment and discharge of the claim held by the Alabama Insane Hospital against the State of Alabama for the support of the indigent insane for the quarter of the fiscal year, ending on the 30th September, 1873.

MIKE L. WOODS,  
Sec'y of Senate.

By leave, Mr. Stallworth of Conecuh introduced a bill to amend the act authorizing the commissioners court of

Conecuh county to levy a special tax of fifty per cent. on the State tax in said county, in addition to the tax now authorized to be levied, for the payment of grand and petit jurors and registered claims against said county.

Passed.

Also, a bill to incorporate the town of Brewton in the county of Escambia.

Referred to a select committee of five.

By leave, Mr. Barnett, from the Committee on Finance, reported favorably to the bill to regulate the payment of county taxes in Conecuh county with the amendment.

Report accepted.

Mr. Jones, of Lee, moved to include the county of Lee.

Agreed to.

Mr. Slater moved to amend by striking out the county of Choctaw.

Agreed to.

Mr. Levey moved to amend by including Montgomery county.

Agreed to.

Mr. Lee moved to amend by including Coffee county.

Agreed to.

Mr. Clarke moved to lay the bill on the table, pending which,

Mr. Bruce raised the point of order that this day was set apart for the rules for the consideration of Senate message and that the rules had been suspended to allow the Finance Committee to report—not to allow debate upon the subject, and the chair sustained the point.

#### THE FUNDING BILL.

Mr. Williams of Barbour, moved to take up the bill to provide for the funding of the domestic debt of the State.

Agreed to.

The bill was then taken up and read twice.

Mr. Bruce moved to consider the bill by sections.

Mr. Dustan moved to defer the further consideration of this bill until to-morrow at 12 M., and that the Finance Committee be instructed to report at the same hour on the bills relating to the finances of the State heretofore introduced by the gentleman from Talladega.

Mr. Boyd moved to amend by making the funding bill the special order for 11:30 A. M., and requiring the



Finance Committee to report back the bills (referred to above) at 11 A. M., making the consideration of social bills the special order for that hour.

Accepted.

Mr. McAfee moved to amend by requiring the Ways and Means Committee to report back at 11 A. M. to-morrow to provide for the redemption of State certificates and the funding of State warrants.

Accepted,

And the amendment as amended was adopted.

On motion of Mr. Cowan the House ordered that all other Senate messages be considered in their regular order.

To amend section 3119 of the Revised Code.

Referred to the Judiciary Committee.

To authorize the judge of the 7th judicial circuit to hold a special term of the circuit court for Sumter county for the disposal of unfinished criminal business.

Passed.

To amend section 80 of the revenue laws of November 16th 1868.

Referred to Committee on Ways and Means.

To amend the charter of the Eureka Mining and Manufacturing Company of Alabama.

Read twice.

Mr. Cloud moved to amend by striking out "manufacturing" and inserting "transportation" in lieu thereof.

Agreed to,

And the bill as amended was passed.

House bill, amended by Senate, to fix the time of holding the courts in the fifth judicial circuit.

Senate amendment concurred in.

To repeal the act regulating the publication of legal notices in certain counties, so far as the same relates to the counties of Jefferson and Walker.

Passed.

To prohibit the sale of vinous or spirituous liquors within three miles of Smith's Camping Ground, located in the county of Choctaw.

Passed.

To authorize O. D. Rutledge, of Choctaw county to redeem certain lands sold for taxes and purchased by the State.

Passed.

Declaring the lands of Mitchell Davis, of Cherokee

county, which are divided by the line of the counties of Cherokee and Etowah, to be deemed and held as lying in Cherokee county.

Passed.

In relation to fines and forfeitures in the county of Marengo.

Referred to Committee on Fees and Salaries.

Joint resolution—

To raise a committee to inquire into the condition and treatment of the prisoners confined in the penitentiary and other places for the confinement of prisoners.

Mr. Renfroe moved to amend by making the committee to consist of two on the part of the Senate and three on the part of the House.

Agreed, and the amended resolution was adopted.

To repeal the act amending the act to incorporate the Sepulga River Manufacturing Company of Conecuh county; approved December 31, 1868.

Passed.

To prohibiting the owners of horses, &c., from knowingly permitting them to run at large in any town or village in Russell or Cherokee counties, and defining the penalty for a violation of this act.

Read twice.

Mr. Millen moved to amend by striking out Russell.

Agreed to.

Mr. Lawrence moved to except the town of Gageville in Cherokee county.

Agreed to.

Mr. Renfroe moved to accept the town of Centre.

Agreed to,

And the amended bill was referred to Committee on Local Legislation.

To amend sections 2562, (2564) of the Revised Code.

Referred to Judiciary Committee.

To require all fines and forfeitures to be collected and paid over in lawful currency of the United States, in the counties of Cherokee, Etowah, Fayette and Sanford, and fixing the penalty for its violation.

Read twice.

Mr. Masterson moved to amend by including the county of Lawrence.

Agreed to.

Mr. Lawrence moved to amend by adding "or in State certificates."

Agreed to.

Mr. St. Clair moved to include Macon county.

Agreed to,

And the amended bill was referred to the Committee on Ways and Means.

To repeal the act requiring the publication of semi-annual exhibits of the receipts and expenditures of money for and on account of the several counties of this State, and to repeal all laws requiring the publication of such exhibits in newspapers.

Referred to the Committee on Ways and Means.

Joint resolution—

In relation to the United States bankrupt laws and asking the Representatives of Alabama in the Congress of the United States to urge the passage of an amendment to said laws.

Referred to Judiciary Committee.

To amend section 3470 of the Revised Code.

Passed.

House bill amended by Senate—

To prohibit liquor sales within three miles of Enon M. E. church, in Jefferson county.

Amendment concurred in.

To extend the time of holding the circuit court of Limestone county.

Passed.

To prohibit liquor sales within five miles of certain churches in Calhoun and Talladega counties therein named.

Passed.

To repeal the act authorizing the several counties, cities and towns in this State to subscribe to the capital stock of such railroads in this State as they may deem to be most conducive to their interest, etc., so far the same relates to Jefferson and Walker counties.

Read twice.

Mr. Cowan moved to make the bill general ;

And the bill and amendment was referred to the Committee on Internal Improvements, with instructions to report at the earliest practical moment.

For the relief of Thomas A. Jones of Lee county.

Passed.

To amend the act incorporating the National Hotel Company of Selma, approved December 7th, 1866.

Passed.

To enlarge the power of the sheriff of Etowah county as therein shown.

Passed.

To establish an election precinct at Chandler's Spring, in the county of Talladega.

Passed.

To create a new voting precinct, to be called Pettusville, in Limestone county.

Tabled.

For the relief of Creed Taylor, assignee of John L. Kirby, of the county of Marshall.

Passed.

To codify and revise the statute laws of the State of Alabama of a general and public nature.

Referred to Judiciary Committee.

To regulate the practice in applications for mandamus to the several courts of the State inferior to the Supreme court.

Referred to Judiciary Committee.

To prohibit liquor sales within two and one-half miles of Dudleysville, in the county of Tallapoosa.

Passed.

To fix the term of office of certain municipal officers in the City of Mobile.

Read twice.

Mr. McHugh moved to amend by adding "tax assessor" after the words "tax collector."

Withdrawn.

Mr. Clarke of Perry, moved to amend by requiring the Tax Collector and Tax Assessor, Auditor and Treasurer of Mobile, to be elected by the people after the next general election.

Tabled.

And thereupon the bill was read a third time and passed.

To amend section three of an act to confer civil jurisdiction upon the city court of Mobile, approved February 13, 1872.

Passed.

For the relief of the judges of Alabama.

Read twice.

Mr. Anderson moved to amend by endorsing its caption upon the bill.

Agreed to.

Mr. McCaskie moved to amend the caption by making

it read, "A bill, etc., to prevent judges of the circuit, city and criminal courts in this State from holding any other office during the term for which they are respectively elected."

The amendment was adopted and the bill passed.

Mr. Boyd, by leave—

Introduced a resolution recalling from the executive a bill to amend section two of an act to incorporate the town of Guntersville in Marshall county.

Adopted.

The committee on the part of the House appointed under the joint resolution relating to education, consists of—

Messrs. Thomas, Mathews and McCoy.

The special committee of five on the bill to incorporate the town of Brewton in Escambia county, consists of—

Messrs. McCaskie, Stallworth, Williams of Barbour, Thomas and Donoho.

Mr. Levey moved that the Senate resolution raising a joint committee to investigate the charges alleged against the department of education be taken up.

Agreed to.

The result was then considered—the pending question being upon the adoption of the amendment offered by Mr. McAfee.

The amendment was adopted, and the amended resolution was adopted.

The committee consists of—

Messrs Brown of Jackson, Draxler and Moss, on the part of the House.

Mr. McAfee, by leave, introduced a joint resolution authorizing the payment of the messenger of the Judiciary Committee.

Read twice.

Mr. White moved to amend by proviso that said committee shall have no messenger hereafter.

Tabled ;

And the joint resolution was read a third time and passed.

And on motion of Mr. Goldsby the House adjourned until 10 A. M. to-morrow.

SATURDAY, Dec. 6, 1873.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Gwin.

The roll was called, and the following members answered to their names :

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Barton, Boyd, Brewer, Brown of Jackson, Brown of Tuskaloosa, Bruce, Carson, Chapman, Clarke of Barbour, Clarke of Perry, Clopton, Cloud, Cochran, Cockrell, Cowan, Crawford, Corsbie, Davis, Donoho, Dotson, Dozier, Dustan, Elliott, Ellsworth, Fantroy, Franklin, Galaspie, Goldsby, Greene of Hale, Greene of Jefferson, Gresham, Hamilton, Hawkins, Howell, Hunter, Johnson, Jones of Lee, Jones of Madison, Kelly, Lawrence, Lee, Levey, Lewis, Lovvorn, McAfee, McCaskie, McCoy, McHugh, Mancill, Manning, Masterson, Mathews, Maull, Moss, Murphree, Musgrove, Patterson of Autauga, Patterson of Macon, Purcell, Reed, Renfroe, Simpson, Slater, Smith of Bibb, Smith of Morgan, Smith of Tallapoosa, Smith of Dallas, St. Clair, Sattlworth, Stone, Stribling, Taylor of Lauderdale, Taylor of Sumter, Threat, Thomas, Vaughn, Walker, Whatley, Weatherford, White of Clay, Wilkinson, Williams of Barbour.

A quorum being present,

The Journal of yesterday was read and approved.

Leave of absence was granted to Messrs. Reese, Williams of Montgomery and Steel of Montgomery on account of sickness.

Mr. Jones of Lee, from special committee, submitted the following

#### REPORT.

*Mr. Speaker :*

Your committee, to whom was referred the resolution of inquiry into the practicability of reducing the expenses of the State for feeding prisoners, &c., have had the same under consideration, and instruct me, as authorized by said resolution, to report by bill herewith submitted :

Upon examining reports of the Auditor as far back as four years, it will be seen that the expense of feeding prisoners has increased from \$67,000 in 1869 to \$90,000,

or about \$250 per day, in 1873, showing that the expense is not only a grievous burden upon the State, but one which is rapidly increasing. If the increase for the present year should continue at the same ratio as for the last four years, the number of prisoners daily maintained at the expense of the State would exceed five hundred, entailing upon the people an expense which operates as a serious barrier to the prosperity of the State and the restoration of its credit.

Your committee have thoroughly examined the suggestions on this subject of the Hon. R. M. Reynolds, in the able report made by him to the General Assembly in the year 1869, and repeated in subsequent reports. While yielding their full force to these recommendations, your committee have been unable to perceive the propriety of making the counties bear this burden alone. The punishment of crime is as much for the benefit of one portion of the State as another. All are equally interested in repressing vice. Under existing law, each county, in effect, bears the burden in proportion to its taxable property. While it seems hardly equitable for a well ordered society to be taxed for the crimes of less law-abiding communities, it is also hardly just that counties, which, from their geographical position and commercial connections, have always more or less of roving and lawless inhabitants, and where greater temptations and spoils induce violators of law to congregate from other portions of the country, should be made to pay the whole expense of supporting criminals not properly residents of these counties, and for whose conduct, by far, the larger portion of such communities are in no way responsible. Your committee have, therefore, thought it advisable to divide the burden as equitably as they could between the counties and the State. The amount now paid for victualing prisoners is fifty cents per day, and your committee have thought it proper to reduce it to forty cents per day, and have so framed the bill submitted that the commissioners court of any county, where it is deemed practicable, may reduce the rate as may to them seem best. A calculation as to what a prisoner receives, and the cost of preparing it, shows that forty cents per day is very fair compensation. Large numbers of prisoners, probably two-thirds, are confined upon charges of misdemeanor, oftentimes of the most trifling nature, as compared with the burden im-

posed upon the State in supporting them. Your committee deemed that a great point could be gained, if both the State and counties could be rid of their support while awaiting trial. It was thought that these prisoners would be glad to escape imprisonment in jail by any means which offered them relief from confinement and hope of remunerative employment in the meantime. In the bill submitted, under properly guarded restrictions, it is proposed to allow, with certain exceptions, all persons charged with misdemeanors to hire themselves out, their earnings to be paid them in full on acquittal, and even partly on conviction. As an incentive to prisoners to work while awaiting trial, the bill proposes to tax the costs of feeding prisoners who are convicted along with other costs, unless the failure to work was occasioned by sickness, want of opportunity to hire, &c. Your committee have put stringent provisions in the bill to guard prisoners from abuse or maltreatment while hired out, and at the same time to prevent escapes. It is believed that there can be little objection to this feature of the bill, as the hiring is altogether *voluntary*. For obvious reasons the provisions as to hiring prisoners was confined to those awaiting trial for misdemeanors. Your committee was careful not to interfere with the constitutional rights of prisoners by treating them as condemned before conviction, and the provision for hire will most probably be deemed by most prisoners a privilege extended them, rather than a punishment inflicted. Prisoners charged with felony have too many incentives to flight, and the necessities of strict guard over them would go far to impair their value as laborers.

Your committee believes that under the provisions of the bill, a saving of at least \$50,000 per annum will be effected for the State, while at the same time the charges imposed upon the counties, if the law be faithfully administered, will not be found to be burdensome. On account of the impoverished condition of the State, and consequent inability of the people to bear the expense of erecting work-houses and buying tools, your committee have not thought proper to make any suggestions as to working prisoners who are charged with felonies.

SAM'L G. JONES,  
Chairman.



Mr. Jones of Lee moved to suspend the rules so as to give the bill reported by the special committee first and second readings.

The motion was agreed to, and 200 copies of the report and bill ordered to be printed for the use of the House, and made special order for 11 A. M. on Tuesday next.

## A BILL

To be entitled "An act to regulate the feeding and custody of persons confined in jail for violation of the laws of this State."

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the sheriffs of the respective counties in this State are entitled to a fee of forty cents per day for victualling each person confined in jail for a violation of the laws of this State, to be paid in the manner hereinafter provided, except in cases where the commissioners courts of the several counties may fix a smaller fee.

SEC. 2. *Be it further enacted*, That the fees allowed for feeding prisoners shall be a charge upon, and be payable by the respective counties, in the following cases:

1. In all cases where the person confined is charged with a misdemeanor.

2. In all cases where the persons confined in jail upon any charge amounting to a felony, do not exceed five in number.

3. Where the number of persons confined upon a charge of felony exceeds five in number, the county shall pay one-half of the fee allowed the sheriff of each county for victualling each and every person confined on a charge of felony, over and above five in number.

4. In all cases where a witness or witnesses are bound over for their appearance at court, and fail to give bond and are confined in jail. And where a person is confined for failure to give security to keep the peace.

5. In all cases where prisoners convicted of a misdemeanor are confined in jail pending an appeal to the circuit, city, or supreme court.

SEC. 3. *Be it further enacted*, That the fees allowed for victualling prisoners confined in jail shall be a charge upon, and payable by the State in the following cases:

1. In all cases where a person is confined upon any commitment for contempt of any court.

2. In all cases where a prisoner convicted and sentenced for felony remains in jail, from the time of sentence until the convict is removed to the penitentiary or is put out to hard labor for the county.

3. In all cases where a prisoner, convicted and sentenced for a felony, remains in jail pending an appeal to the supreme court.

4. Where the number of persons confined in jail charged with a felony exceeds five, the State shall pay one-half of the fee allowed in each county for victualling such prisoners over and above said number five.

SEC. 4. *Be it further enacted*, That all persons confined in jail upon a charge or charges of misdemeanor, not exceeding two such charges, may, with their consent, be hired out to work within the county in the manner hereinafter provided. The sheriff, in the case of any prisoner charged with a misdemeanor as aforesaid who desires to be hired out, shall hire out such prisoner to any responsible person, upon such terms as may be agreed upon between the prisoner and the hirer, not to be less in any case than at the rate of four dollars per month and the support of the prisoner during such time of hiring, in the case of able-bodied hands; proportionate hire for boys. The person hiring such prisoner to give bond with good security for the faithful payment of the hire agreed on, such security to be approved by the sheriff. No person shall be taken as security for the payment of the hire aforesaid, unless he deposes on oath that he is worth the amount of such bond over and above all his debts and exemptions.

SEC. 5. *Be it further enacted*, That the hirer of such prisoner shall have the power of bail over such prisoner.

SEC. 6. *Be it further enacted*, That whenever any prisoner hired out as aforesaid refuses to faithfully perform his contract, the hirer shall have the right to recommit such prisoner to jail, and in that event shall be liable only for hire up to the time of such delivering up of the prisoner. The hirer in that event must also notify the probate judge of such return, and the cause thereof, in writing.

SEC. 7. *Be it further enacted*, That all notes and bonds taken for the hire of prisoners shall be payable to the county, and be kept by the judge of probate. The amount of hire earned by each prisoner shall be paid by the hirer

to the county treasurer, upon a certificate from the probate judge of the amount due, and not otherwise.

SEC. 8. *Be it further enacted*, That the county treasurer shall credit the moneys paid in under the provisions of the 7th section of this act to a fund to be designated "Fund from Hire of Prisoners." This fund shall be kept separate from all other funds, and shall in no case be paid out except upon warrants drawn upon said fund; and no warrant shall be drawn upon said fund except as expressly directed in section nine of this act.

SEC. 9. *Be it further enacted*, That the judge of probate of each county shall keep an accurate account of the amount paid for the services of each prisoner hired out as hereinbefore provided. Upon the acquittal of a prisoner charged with a misdemeanor, the judge of probate shall give such prisoner a warrant upon the county treasurer, to be paid out of the "fund from hire of prisoners," for the amount of hire earned by such prisoner, less fifty cents for each day that such prisoner remained in jail from the time of his commitment to the time of trial. Whenever any prisoner hired out as aforesaid shall be convicted and sentenced, the judge of probate shall draw two warrants upon the county treasurer, upon said "fund from the hire of prisoners," one warrant for one-fourth of the amount earned by such convict to be paid the convict, and the other warrant for the remaining hire of such convict, which the county treasurer shall place to the credit of a fund to be known as the "fund for support of prisoners." Whenever any amount is deducted from the hire of a prisoner who is acquitted, for the expense of feeding such prisoner from time of commitment to date of trial, the probate judge shall draw a warrant on the "fund from the hire of prisoners" for the amount thus deducted, which sum must be credited to "fund for support of prisoners."

SEC. 10. *Be it further enacted*, That the commissioners court of each county shall meet on the second Monday in the month of January, 1874, (or as soon thereafter as said court can meet, in event of a failure to have a quorum at its meeting in January,) and in each year thereafter, and shall estimate and set apart a sum sufficient to pay the amount of charges against the county for feeding prisoners for that year. The amount so estimated and set apart, together with any amounts paid over under provisions of section 9, shall be kept as a separate

fund by the county treasurer, and designated "fund for support of prisoners." No warrant shall be drawn against said fund except for the feeding of prisoners.

SEC. 11. *Be it further enacted*, That all claims against counties under this act shall be sworn to and certified in the same manner as now provided by law for the payment of such claims against the State, and shall be paid on the last day of each month, by warrant on the county treasurer, drawn on the "fund for support of prisoners," except in cases hereinafter directed.

SEC. 12. *Be it further enacted*, That all persons hiring prisoners under the provisions of this act shall cause said prisoners to appear at the second day of the term of the court to which they may have been bound over, or indicted in, and afterwards at such time as the presiding judge may prescribe. The time lost by such prisoner in going to, remaining in, and returning from court, to be deducted from the hire of such prisoner, the charge for each day's absence being at the rate of what is paid such prisoner for each day's labor.

SEC. 13. *Be it further enacted*, That any prisoner hired out under the provisions of this act, who shall escape, or willfully and intentionally departs from the county in which he is hired out, or who willfully and intentionally fails to appear and answer to the charge against him, shall be guilty of a felony, and, on conviction thereof, shall be imprisoned in the penitentiary for not less than three nor more than five years, at the discretion of the court trying the same.

SEC. 14. *Be it further enacted*, That any person persuading, advising, or attempting to persuade any prisoner hired out under the provisions of this act, to flee, escape, or to absent himself from the court in which charges are pending against such prisoner, shall be deemed guilty of a felony, and, on conviction, must be imprisoned in the penitentiary not less than three nor more than ten years, at the discretion of the jury trying the cause.

SEC. 15. *Be it further enacted*, That any sheriff, or other person in charge of, or connected with the custody of prisoners, who shall advise or persuade prisoners not to hire out, shall be guilty of a misdemeanor, and, on conviction, must be fined not more than one thousand dollars nor less than five hundred dollars.

SEC. 16. *Be it further enacted*, That it shall be un-

lawful for any sheriff or his deputies, or any judge of probate, member of commissioners court, constable, justice of the peace, notary public, circuit or city court judge or clerk, or any county officer whatever, to be interested, either directly or indirectly, in the hiring of prisoners under the provisions of this act.

SEC. 17. *Be it further enacted*, That any officer or person upon whom any duty is imposed by any section of this act, who shall neglect to perform the same, is guilty of a misdemeanor, and, on conviction, must be fined not less than fifty nor more than five hundred dollars; and any such officer or person, upon whom any duty is imposed by any section of this act, who shall willfully and intentionally, or corruptly, fail to perform the same, shall be deemed guilty of a felony, and, on conviction, be imprisoned for five years in the penitentiary.

SEC. 18. *Be it further enacted*, That the sheriff shall keep in his office, open to the inspection of the public, a book which shall contain the list of all prisoners hired out under the provisions of this act, the name of person hiring them, the amount of hire agreed on, and the name of the security.

SEC. 19. *Be it further enacted*, That all amounts due for hire must be paid in money. And upon the failure of hirer to pay hire when due, the judge of probate must inform the county solicitor, who must, within thirty days, sue such claims, in the name of the county, in any court having jurisdiction of the same, and receive in payment of his services five per centum of the amount collected.

SEC. 20. *Be it further enacted*, That it shall be the duty of all sheriffs and other persons in charge of prisoners to inform them of the provisions of this act.

SEC. 21. *Be it further enacted*, That upon conviction of any prisoner charged with a misdemeanor, the costs of feeding him, must be taxed against him, and collected in the same manner as costs in criminal cases are now collectible. Ten per cent. of the amount of costs for feeding prisoner, when collected, to belong to the solicitor, in addition to the fee allowed him by law, and the remainder of the amount to be paid over by the sheriff to the county treasurer, when collected, less five per cent. sheriff's commissions, and the treasurer shall place the amount so received to the credit of the 'fund for sup-

port of prisoners." The costs of feeding a prisoner shall not be taxed against him when his failure to hire out is due to physical inability to labor, sickness, or want of opportunity to hire out.

SEC. 22. *Be it further enacted*, That if any person hired out under the provisions of this act shall, while so hired out, be guilty of petit larceny, he shall, on conviction, be imprisoned in the penitentiary for not less than two years.

SEC. 23. *Be it further enacted*, That the provisions of this act, so far as regards the hiring out of prisoners, shall not apply to persons confined in jail for failure to give security to keep the peace, unless the consent of the person threatened shall first be obtained in writing.

SEC. 24. *Be it further enacted*, That the commissioners courts of the various counties, in estimating and setting apart a sum of money for the payment of charges for feeding prisoners for the year, as provided in section 10 of this act, shall in no case set apart a sum exceeding one-half of the amount of money for which warrants were issued for said county by the Auditor, as per his report to the General Assembly for the fiscal year ending September 30th, 1873. In event the amount so set apart, together with the amounts which may be paid in to the credit of the "fund for the support of prisoners," shall become exhausted by warrants drawn against it, the judge of probate shall, nevertheless, draw his warrant upon the county treasurer, in favor of the sheriff, for any amount due for feeding prisoners, and such warrants shall constitute a preferred claim against the county, and be paid in preference to all claims, except claims for the poor, and stationery and printing. In event that after the "fund for support of prisoners" is exhausted, there be no money with which to pay warrants for amounts due for feeding prisoners, and in the opinion of the commissioners court it shall become necessary, in order to prevent neglect and suffering of prisoners, that the amount so due should be paid as the warrants are drawn, then, and in that event, the commissioners court are authorized, on the sworn application and statement of the sheriff that it is necessary for said warrants to be paid as they fall due, to prevent suffering among the prisoners confined, to borrow the amount necessary to pay said warrants, at a rate of interest not exceeding eight per cent. per annum.

SEC. 25. *Be it further enacted*, That the compensation

of county treasurer for payments and services under the provisions of this act, shall in no case exceed two and one-half per cent. of the amounts disbursed on warrants drawn on them and actually paid out, under the provisions of this act.

SEC. 26. *Be it further enacted*, That any person hiring a prisoner under the provisions of this act who shall, before the time of hiring has expired, recommit said prisoner to jail, with a view to avoid his contract and without any fault on the part of the prisoner, such person shall be liable on his bond for the whole hire agreed on, to be recovered by the county solicitor in an action in the name of the county in any court having jurisdiction.

SEC. 27. *Be it further enacted*, That any person having charge of a prisoner, hired under the provisions of this act, who shall cruelly maltreat or abuse such prisoner, shall be guilty of a misdemeanor, and, on conviction, imprisoned in the county jail for not less than six months nor more than one year, and may also be fined not more than one thousand dollars nor less than five hundred dollars, unless such cruelty or abuse amounts to a felony, in which event the person maltreating or abusing such prisoner shall be punished according to the general law of the land.

SEC. 28. *Be it further enacted*, That all laws and parts of laws, special or general, in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 29. *Be it further enacted*, That this act shall not go into operation until the 1st day of January A. D. 1874.

#### CALL OF THE COUNTIES.

By Mr. Patterson of Autauga—

To amend section 110 of the revenue laws of December 31, 1868.

Referred to Committee on Ways and Means.

Also, to provide for the support of the freedman's hospital, located near Talladega, Alabama.

Passed unanimously.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
Dec. 6, 1873. }

*Mr. Speaker :*

The Senate has passed, without amendment, House bills with the following titles:

To repeal an act entitled an act to establish a criminal court for the county of Russell with criminal and civil jurisdiction, approved February 26, 1872.

Authorizing and defining the compensation of the board of equalization of Pike county.

To establish a place of voting in precinct No. 3 in the county of Walker.

To enable private corporations incorporated by the laws of this State to surrender their charters and settle up their corporate affairs.

To amend section two of an act entitled an act to amend an act to authorize the commissioners court of Pike county to have collected a tax to pay bridge claims.

For the relief of Thomas H. Bailey of Washington county.

To establish two election precincts in the county of Washington.

And has originated and passed a bill—

To establish an inferior court of record in the town of Decatur, Alabama ;

And ordered the same forthwith to the House.

MIKE L. WOODS,  
Sec'y of Senate.

## MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, }  
EXECUTIVE DEPARTMENT, }  
Montgomery, December 6, 1873. }

*Mr. Speaker :*

I am instructed by the Governor to return herewith a bill to be entitled "An act to amend section two of an act to incorporate the town of Guntersville in the county of



Marshall," as requested by House resolution of to-day's date.

Respectfully,

CHAS. J. ATKINSON,  
Recording Secretary.

#### FIRST SPECIAL ORDER.

The hour of 11 A. M. having arrived,

The bill to incorporate the town of Courtland in Lawrence county,

Was taken up and amended so as to open the offices of mayor, clerk, &c., to persons not freeholders ;

And passed.

#### SECOND SPECIAL ORDER.

The revenue bill was then considered, the pending question being the adoption of Mr. Anderson's amendment to strike out the latter part of section 84.

Adopted.

Mr. St. Clair moved to amend section 51.

Tabled.

Mr. Brewer moved to amend subdivision 3 of section 12, by striking out all after the word "expenditures."

Adopted.

Mr. Jones of Lee moved to amend section 24, so as to exempt railroads from county taxes.

Mr. Taylor of Lauderdale moved to substitute the motion with a motion to strike out subdivision 15 of section three.

This would strike out the exemption of railroad lands (donated by Congress) from taxation.

Mr. Cowan moved to lay both motions on the table.

Mr. Taylor called for a division of the question ;

And the substitute was tabled.

The amendment of Mr. Jones was also tabled.

Mr. White moved to amend so as to make taxes delinquent January 1st of each year.

Adopted.

Mr. Brown of Jackson moved to order the bill to a third reading forthwith.

Mr. Parsons moved the previous question.

Carried, and the rule was suspended and the bill read a third time and passed.

## THIRD SPECIAL ORDER.

Mr. Barnett from the Finance Committee reported adversely to the bill to authorize the issue of State certificates.

Report received.

Mr. Parsons (Mr. Cloud in the chair) moved, as a substitute for the motion of Mr. Dustan, that the bill and report of the committee lie on the table.

Accepted, and the substituted motion prevailed.

## FOURTH SPECIAL ORDER.

Mr. Bruce, from the Committee on Ways and Means, reported adversely to the bill to provide for the funding of the State warrants, and the redemption of State certificates.

Report accepted.

The report and the bill were laid on the table.

## FIFTH SPECIAL ORDER.

The bill to provide for the funding of the domestic debt of the State was then taken up and considered as a whole.

Mr. Dustan moved to amend the 8th section, by adding the name of Demopolis.

Tabled.

Mr. Dustan moved to amend, by making the obligations contemplated by the bill range from \$1, \$5, &c., to \$100.

Pending debate,

On motion of Mr. Dustan,

The House adjourned until 12 m. on Monday next.

---

MONDAY, December 8, 1873.

The House met pursuant to adjournment.

The roll was called and the following members answered to their names :

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Barton, Boyd, Brewer, Broadnax, Brown of Jackson, Brown of Tuskaloosa, Bruce, Chapman, Clarke of Barbour, Clarke of Perry, Cloud, Cochran, Cockrell, Cowan, Crawford, Corsbie, Davis, Donoho, Dotson, Dozier, Drax-

ler, Dustan, Elliott, Ellsworth, Fantroy, Franklin, Galaspie, Goldsby, Greene of Hale, Greene of Jefferson, Gresham, Hamilton, Hannon, Hawkins, Howell, Hunter, Johnson, Jones of Lee, Jones of Madison, Kelly, Lawrence, Lee, Levey, Lewis, Lovvorn, McAfee, McCaskie, McCoy, McHugh, Mancill, Manning, Mathews, Maull, Millen, Moss, Murphree, Musgrove, Patterson of Autauga, Patterson of Macon, Peddy, Purcell, Reese, Renfroe, Simpson, Slater, Smith of Bibb, Smith of Morgan, Smith of Dallas, Speed, St. Clair, Stallworth, Steel of Madison, Stone, Stribling, Taylor of Lauderdale, Taylor of Sumter, Threat, Thomas, Treadwell, Vaughn, Walker, Whatley, Weatherford, White of Clay, Wilkinson and Williams of Barbour.

A quorum being present,

The Journal of yesterday was read and approved.

Mr. Manning, by leave, introduced the following

#### JOINT RESOLUTION,

Ordering the printing, distribution and preservation of certain journals therein mentioned :

*Be it resolved by the General Assembly of Alabama,* That the journals of the proceedings of the bodies of persons claiming to be the Senate and House of Representatives, respectively, of this State, that assembled as such in the capitol of the State at Montgomery, on the third Monday (18th day) of November, in the year eighteen hundred and seventy-two, and of their subsequent meetings and proceedings as such, until or before the reorganization of the General Assembly of Alabama according to the plan therefor proposed on behalf of the President of the United States, by the Attorney-General thereof, under date of the eleventh day of December in said year 1872, be printed, published and distributed in the same manner and to the same extent, and that the originals of said journals be kept and preserved in the same manner as have been or may be the journals of the proceedings of the bodies claiming to be the Senate and House of Representatives, respectively, of this State, that assembled as such in the court-rooms of the District Court of the United States in Montgomery, on said third Monday of November, in the year 1872, and of their subsequent meet-

ings and proceedings as such, until or before the reorganization aforesaid.

Under a suspension of the rules, the resolution was read the first and second time.

Mr. Donoho moved to amend as follows:

And that the publication herein referred to be made in conjunction with the journals of the present session of the General Assembly, together with this resolution ordering the same.

The amendment was adopted; and,

Under a further suspension of the rules, the resolution was read a third time and adopted.

Mr. Lawrence, by leave—

A bill to amend section 748 of the Revised Code.

Referred to the Judiciary Committee.

Mr. Smith of Morgan, by leave, called up the Senate bill—

To establish an inferior court of record in Decatur, Alabama.

Read twice.

Mr. Smith of Morgan introduced an amendment, which, with the bill, was referred to a select committee consisting of Messrs. Stone, Brown of Jackson, Simpson, Galaspie, and Lamb.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
Dec. 8, 1873. }

*Mr. Speaker:*

The Senate has originated and passed a bill

To amend section 2925 of the Revised Code of Alabama; and

#### JOINT RESOLUTIONS,

Proposing amendments to the constitution of the State of Alabama to the electors of the State, to be voted upon at the general election on Tuesday after the first Monday of November, 1874.

And has concurred in House amendment to Senate

## JOINT RESOLUTION

To raise a joint committee to inspect the Alabama State Penitentiary, and other places of confinement of convicts, and to inquire into the treatment of the same.

Senate Committee, Messrs. Haralson and Dereen.

MIKE L. WOODS,  
Sec'y. of Senate.

Mr. Fantroy, by leave, introduced a resolution instructing our Representatives in Congress to examine a bill for the financial relief of the reconstructed States and to support it if they should find it to be calculated to benefit the said States.

Referred to a Select Committee of five.

The Speaker appointed as said committee—

Messrs. Anderson, Dustan, Fantroy, McCaskie and Jones of Lee.

By Mr. Davis—

To establish a new charter for the town of Midway in Bullock county.

Referred to Committee on Local Legislation.

Also, to prohibit liquor sales within two miles of Mt. Hilliard Church in Bullock county.

Passed.

Also, to regulate the terms of the circuit court of Bullock county.

Referred to the Judiciary Committee.

Also to provide for the election of attorneys to represent the State in each judicial circuit.

Referred to the Judiciary Committee.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
Dec. 8, 1873. }

*Mr. Speaker :*

The Senate has concurred in the amendments of the House to Senate joint resolution.

To raise a joint committee to enquire into the irregu-

larities alleged against the Department of Education by the commissioners appointed by the Governor.

MIKE L. WOODS,  
Sec'y of Senate.

Mr. Davis introduced a bill to be entitled an act to repeal an act entitled "An act to provide for the annexation of West Florida to the State of Alabama, with the assent of the State of Florida and the Congress of the United States."

Mr. Clarke of Perry, moved that the bill be laid upon the table.

On the motion to lay the bill on the table, the vote was taken by yeas and nays, as follows:

Those voting in the affirmative are—

Messrs. Speaker, Anderson, Barnett, Barton, Bruce, Clarke of Barbour, Clarke of Perry, Cloud, Cochran, Cockrell, Crawford, Davis, Dotson, Dozier, Dustan, Ellsworth, Fantroy, Goldsby, Greene of Jefferson, Hannon, Hawkins, Hunter, Johnson, Jones of Lee, Jones of Madison, Lawrence, Lee, Levey, Lewis, Lovvorn, McAfee, Mathews, Maull, Millen, Musgrove, Patterson of Autauga, Patterson of Macon, Peddy, Reed, Simpson, Smith of Dallas, Speed, St. Clair, Stallworth, Steel of Madison, Steel of Montgomery, Taylor of Sumter, Threat, Thomas, Treadwell, Walker, Weatherford, White of Clay, and Williams of Barbour.

Yeas, 54.

Those voting in the negative are—

Messrs. Ash, Barrow, Boyd, Brewer, Broadnax, Brown of Jackson, Brown of Tuskaloosa, Clopton, Cowan, Corsbie, Donoho, Draxler, Franklin, Galaspie, Gresham, Hamilton, Howell, Kelly, McCaskie, McCoy, McHugh, Manning, Murphree, Purcell, Renfroe, Slater, Smith of Bibb, Smith of Morgan, Smith of Tallapoosa, Stone, Stribling, Taylor of Lauderdale, Vaughn, Whatley and Wilkinson.

Nays, 35.

So the bill was laid upon the table.

Mr. Clarke of Perry, moved to amend the rules in order that he might introduce a bill.

Mr. Howell moved to amend the motion so as to allow each member under the alphabetic call to introduce one bill.

The amendment was adopted and the motion as amended was agreed to.

Under the call, bills were introduced as follows :

#### CALL OF THE MEMBERS.

By Mr. Anderson—

To amend section twelve of the act incorporating the Mobile and Ohio Railroad Company.

Referred to the Committee on Corporations with instructions to report next Wednesday, at 11:30 A. M., and making it the special order.

By Mr. Ash—

To repeal the act regulating the publication of legal notices in certain counties therein named.

Referred to Committee on Public Printing.

By Mr. Barnett—

To authorize Asa Parker, of Monroe county, to erect two gates across a public road in said county.

Read twice.

Mr. Clopton moved to amend.

Adopted,

And the bill was referred to the Committee on Local Legislation.

By Mr. Barton—

To authorize the commissioners court of Winston county to grant licenses to keep public ferries in said county.

Referred to a Select Committee of Five.

By Mr. Boyd—

To prohibit liquor sales within one and one-half miles of Vernon, in the county of Sanford.

Amended to conclude "within three miles of Dick's, Mt. Moriah, Bethseda, and Salem, in Montgomery, and within four miles of Post Oak Church and one mile of Germania in Calhoun county.

Referred to Committee on Local Legislation.

By Mr. Broadnax—

To pay the jurors of Crenshaw county, and authorize the commissioners court to levy a tax to pay the same.

Passed.

By Mr. Brown of Jackson—

For the relief of John T. Smith, of Jackson county.

Referred to Committee on Local Legislation.

By Mr. Brown of Tuskaloosa, in relation to the fees of sheriffs for feeding prisoners.

By Mr. Bruce—

To authorize the commissioners court of Wilcox county to prefer all claims against the county on account of providing for the comfort and health of prisoners.

Passed.

By Mr. Chapman, in relation to the fine and forfeiture fund of Clarke county.

Referred to the Committee on Finance.

By Mr. Clarke of Barbour—

To consolidate the fine and forfeiture fund with the general fund of Barbour county.

Referred to the Committee on Finance.

By Mr. Clopton—

Senate bill, to provide for the payment of the debt of Butler county.

Passed.

By Mr. Cloud—

For the relief of Mrs. Mary Ann Taylor.

Referred to a Select Committee consisting of—

Messrs. Cloud, Levey and Hunter.

By Mr. Cockrell—

To incorporate the Eutaw Fire Company in the town of Eutaw, Alabama.

Referred to the Committee on Corporations.

By Mr. Cowan—

To prevent tax collectors and all other collectors of State revenue from speculating in State warrants or State certificates, &c.

Referred to Select Committee consisting of—

Messrs. McCaskie, Lee, Murphree, Hannon and Fantroy

By Mr. Crawford—

For the relief of Giles Kelly of Coosa county.

Passed.

By Mr. Davis—

To amend section twelve of the act to establish a criminal court for Bullock county, with civil and criminal jurisdiction.

Referred to the Judiciary Committee.

By Mr. Donoho—

To allow compensation to tax assessors of Tuskaloosa



county for making a copy of the book of assessment required by law.

Passed.

By Mr. Dotson—

To better protect freights and baggage while in transit on railroads and steamboats in this State.

Referred to the Judiciary Committee.

By Mr. Draxler—

For the relief of James J. Neno, of Mobile county.

Referred to the Judiciary Committee.

By Mr. Elliott—

To authorize D. R. Leonard, administrator of J. G. Leonard, deceased to sell the lands of said estate at private sale without an order of court.

Passed.

By Mr. Ellsworth—

For paying the bailiffs of Montgomery out of the general fund of said county.

Referred to Committee on Local Legislation.

By Mr. Fantroy—

To amend section 3949, chapter III of the Revised Code of Alabama.

Referred to Judiciary Committee.

By Mr. Franklin—

To amend section five of the act to amend the corporation laws of Alabama, approved August 12, 1868.

Referred to Committee on Internal Improvements.

By Mr. Galaspie—

To regulate the fees of justices of the peace, constables and notaries public of Blount county, and to provide for the payment of the same.

Amended to include Montgomery county.

Referred to Committee on Fees and Salaries.

By Mr. Goldsby—

For the relief of certain persons therein named.

Referred to Committee on Local Legislation.

By Mr. Greene of Hale—

To define the rights and privilege of the Union Fishing, and Salt Manufacturing Company of Alabama.

Referred to a Select Committee of Five, consisting of—

Messrs. Thomas, Stribling, Smith of Bibb, Hannon and Slater.

By Mr. Greene of Jefferson—

To enable the Alabama Coal and Navigation Company

to make certain connections and to invest more capital in railroads.

Referred to the Committee on Internal Improvements.

By Mr. Gresham—

For the relief of W. C. Witherington, late tax collector of Greene county.

Passed.

By Mr. Hamilton—

In relation to the fine and forfeiture fund of Marion county.

Passed.

By Mr. Hannon—

To authorize the leveying of a special tax to pay off the indebtedness of Elmore county.

Passed.

By Mr. Howell—

Fixing the time for holding the chancery court of the county of Cleburne.

Passed.

By Mr. Hunter—

Senate bill to prohibit liquor sales within four miles of M. E. Church at Letohatchie, in Lowndes county, and other churches therein named.

Passed.

By Mr. Johnson—

For the relief of Hamilton White, late tax collector of Dallas county.

Referred to Committee on Ways and Means.

By Mr. Jones of Lee—

To amend section 2960 of the Revised Code of Alabama.

Referred to Judiciary Committee.

By Mr. Kelly—

To authorize Mrs. L. Handy, widow of James Handy, deceased, of Walker county, to erect a dam across Mulberry river.

Referred to Committee on Local Legislation.

By Mr. Lawrence—

To prohibit liquor sales within four miles of Round Mountain Iron Works and Coaling Grounds in Cherokee county.

Amended so as to include Tecumseh Iron Works in the same county and passed.

By Mr. Lee—

To authorize the courts in the State of Alabama to be held in the absence of the judges and chancellors.

Referred to the Judiciary Committee.

By Mr. Levey—

To extend the operations of the Montgomery stock law five miles beyond the present limits.

Referred to Committee on Local Legislation.

By Mr. Lovvorn—

To provide for compensating certain services of county treasurers.

Referred to Committee on Fees and Salaries.

#### MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT, }  
Montgomery, December 8, 1873. }

*Mr. Speaker :*

I am directed by the Governor to communicate to the House of Representatives a message in writing.

Respectfully,

C. J. ATKINSON,  
Recording Sec'y.

By Mr. McAfee—

A joint resolution appropriating \$325 for the purchase of a safe for the office of the Secretary of State.

Passed.

By Mr. McCaskie—

To amend section 859 of the Revised Code of Alabama.

Referred to Judiciary Committee.

By Mr. Cloud—

To amend the election laws so as to provide for the election of members of the Board of Education.

Referred to Judiciary Committee.

Mr. Levey asked leave for the committee (on the part of the House) to investigate the condition of affairs in the Department of Education to sit during the session of the House.

Granted.

Fifteen distinct motions to adjourn were voted down.

Leave of absence was granted Mr. Carson for two

days, Mr. Masterson for four days, Mr. Williams of Montgomery for one day, and Mr. Merriwether for two days.

The Governor sent in a message calling attention to the fact that there was a defect in the election laws on the subject of elections of members of the Board of Education, and recommending an amendment thereof;

Which was referred to the Judiciary Committee.

The Governor also sent in a message relating to the re-districting of the State;

Which was referred to the Judiciary Committee.

Mr. Williams of Barbour moved that the House adjourn until 10 o'clock to-morrow, the call to be resumed where left off to-day, Mr. McCaskie being the last called.

The motion was agreed to.

So the House adjourned until to-morrow morning, at 10 o'clock.

TUESDAY, December 9, 1873.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Jones.

The roll was called and the following members answered to their names:

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Barton, Boyd, Brewer, Broadnax, Brown of Jackson, Brown of Tuskaloosa, Bruce, Carson, Chapman, Clarke of Barbour, Clarke of Perry, Clopton, Cloud, Cockrell, Cowan, Crawford, Corsbie, Donoho, Dotson, Dozier, Draxler, Dustan, Elliott, Ellsworth, Fantroy, Franklin, Galaspie, Goldsby, Greene of Hale, Greene of Jefferson, Gresham, Hamilton, Hannon, Hawkins, Howell, Hunter, Johnson, Jones of Lee, Jones of Madison, Kelly, Lamb, Lawrence, Lee, Levey, Lewis, Lovvorn, McAfee, McCaskie, McCoy, McHugh, Mancill, Manning, Masterson Mathews, Maull, Millen, Merriwether, Moss, Murphy, Musgrove, Patterson of Autauga, Patterson of Macon, Peddy, Purcell, Reed, Reese, Renfroe, Simpson, Slater, Smith of Bibb, Smith of Morgan, Smith of Tallapoosa, Speed, St. Clair, Stallworth, Steel of Madison, Steel of Montgomery, Stone, Stribling, Taylor of Lauderdale, Taylor of Sumter, Threat, Thomas, Treadwell, Vaughn, Walker, Whatley, Weatherford, White of

Clay, Wilkinson, Williams of Barbour, Williams of Montgomery.

A quorum being present,

The journal of yesterday was read, and the following correction being made, to-wit:

On page 163, on line 19, where the name "Mr. Cowan" is written, the name of Mr. Murphree should appear,

Was approved and signed.

Mr. McCaskie, from the select committee, reported favorably to the bill—

To prevent the tax collectors and all others engaged in collecting the revenue of the State from trading or speculating in State warrants, State certificates or other securities of the State,"

With amendments thereto.

The amendments were adopted.

Mr. Howell moved to amend by requiring the Auditor to "furnish each tax collector in the State with a printed copy of this act."

Adopted.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
December 9, 1873. }

*Mr. Speaker :*

The Senate has originated and passed bills with the following titles:

To better secure the payment of mechanics and others for their labor and materials furnished.

To provide for the payment of claims against the fine and forfeiture fund of Butler county.

For the relief of the Shappard Hall Female College, at LaFayette, Ala.

To amend section 2963 (2535) of the Revised Code of Alabama.

To pay for the guarding of John Long, a prisoner of DeKalb county.

To authorize the commissioners court of Marshall county to allow certain claims against said county.

To repeal an act to authorize the court of county commissioners of Madison county to pay for fuel used in

offices of judge of probate, sheriff, and clerk of the circuit court of said county.

To establish an election precinct in the county of Lowndes, to be known as Calhoun.

To repeal an act entitled "An act to amend section one of an act entitled 'An act to regulate inclosure of stock in a portion of the county of Greene therein described,' approved Feb. 14th, 1872."

To authorize the administrators of the several estates of Thomas Goodwin and John Goodwin, deceased, to settle the partnership transaction of decedents in lands of their estates.

To amend the corporation laws of Alabama.

To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors within two miles of Town Creek Baptist Church, in Hackneyville Beat, Tallapoosa county, Ala.

To amend section second of an act entitled "An act to incorporate the town of Guntersville, in the county of Marshall."

Relating to the term of office of the several tax collectors in this State.

For the relief of Elmira Myers, wife of Henry H. Myers, of Limestone county, Ala.

To render competent as witnesses certain parties therein named, where suits are brought by the personal representatives of deceased persons.

To allow John C. Todd, of Lee county, to peddle without a license.

To amend section 2421 of the Revised Code of Alabama.

To amend section 2373 (1984) of the Revised Code of Alabama.

And has concurred in House amendment to Senate joint resolution—

To raise a joint committee to inquire into the irregularities alleged against the Department of Education by the Commissioners appointed by the Governor.

And has passed, without amendment,

#### HOUSE BILLS

as follows :

To incorporate the town of Courtland, in the county of Lawrence.

To authorize Angus McAllister, administrator of the estate of A. J. McAllister, deceased, to sell lands belonging to said estate.

To provide for increasing the pay of the county commissioners of Perry county.

And has originated and passed bills with the following titles :

To authorize the court of county commissioners of the county of Tallapoosa, in this State, to compromise the bonded debt of said county with the Savannah and Memphis Railroad Company, or others holding the bonds of said county, heretofore issued by said county to the said Savannah and Memphis Railroad Company.

To authorize the purchasers and their assigns, of the railroads, corporate franchises, rights and estates of the New Orleans, Mobile and Texas Railroad Company to organize under the corporate name of the New Orleans and Mobile Railroad Company, and to exercise the corporate rights, franchises and privileges of the said company under that name, as to the railroads east of the west bank of the Mississippi river.

And ordered the same forthwith to the House without engrossment.

MIKE L. WOODS,  
Sec'y of Senate.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
Dec. 9, 1873. }

*Mr. Speaker :*

The Senate has passed, without amendment,

#### HOUSE BILL

To amend an act entitled "An act to authorize the commissioners court of Conecuh county to levy a special tax, approved Dec. 10th, 1868."

And ordered the same forthwith to the House.

MIKE L. WOODS,  
Sec'y of Senate.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
Dec. 6, 1873. }

*Mr. Speaker :*

The Senate has originated and passed a bill—

To authorize the holding of a special term of the circuit court of Hale county for the disposal of criminal business in the county of Hale.

And ordered the same forthwith to the House without engrossment.

MIKE L. WOODS,  
Secretary Senate.

## MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, }  
EXECUTIVE DEPARTMENT, }  
Montgomery, December 9, 1873. }

*Mr. Speaker :*

I am instructed by the Governor to inform the House of Representatives that he has this day approved the following bill, which originated in the House :

## AN ACT

To repeal an act entitled "An act in relation to the fine and forfeiture fund of Tuskaloosa county, and other counties therein named, so far as the same relates to the counties of Choctaw and Blount.

Respectfully,

CHAS. J. ATKINSON,  
Recording Sec'y.

Mr. McCaskie moved to amend by proviso that when taxes are paid in a warrant larger than the taxes due, the tax collector shall endorse the warrant with a credit, stating what sum has been used in paying said taxes.

Pending debate the hour of 11:30 o'clock arrived and the Speaker announced



## THE SPECIAL ORDER,

which was the bill to provide for the funding of the domestic debt of the State, and which was then taken up and considered—the pending question being Mr. Dustan's proposed amendment of section 1.

Mr. Taylor of Lauderdale offered as a substitute for the bill and amendments a bill to be entitled "an act to provide for the payment of the domestic debt of the State."

By leave, Mr. Taylor withdrew the substitute and introduced it as a bill.

The bill was read and under a suspension of the constitutional rule was read a second time.

Having been read twice Mr. Boyd moved that the bill lie upon the table.

The motion was agreed to.

Pending debate on Mr. Dustan's amendment, on motion of Mr. White,

The House adjourned to 10 o'clock to-morrow.

WEDNESDAY, Dec. 10, 1873.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Jones.

The roll was called and the following members answered to their names:

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Barton, Boyd, Brewer, Broadnax, Brown of Jackson, Brown of Tuscaloosa, Bruce, Carson, Chapman, Clark of Barbour, Clarke of Perry, Clopton, Cloud, Cockrell, Cowan, Crawford, Corsbie, Donoho, Dotson, Dozier, Draxler, Dustan, Elliott, Ellsworth, Fantroy, Franklin, Goldsby, Greene of Hale, Greene of Jefferson, Gresham, Hamilton, Hannon, Hawkins, Howell, Hunter, Johnson, Jones of Lee, Jones of Madison, Kelly, Lamb, Lawrence, Lee, Levey, Lewis, Lovvorn, McAfee, McCaskie, McCoy, McHugh, Mancill, Manning, Mathews, Maull, Millen, Meriwether, Moss, Murphree, Musgrove, Patterson of Autauga, Patterson of Macon, Peddy, Purcell, Reed, Reese, Renfroe, Simpson, Slater, Smith of Bibb, Smith of Morgan, Smith of Dallas, Speed, St. Clair, Stallworth, Steel of Madison, Steel of Montgomery, Stone, Stribling,

Taylor of Lauderdale, Taylor of Sumter, Threat, Thomas, Treadwell, Vaughn, Walker, Whatley, Weatherford, White of Clay, Wilkinson, and Williams of Montgomery.

A quorum being present the Journal of yesterday was read and approved.

Mr. Lawrence submitted the following

#### REPORT.

*Mr. Speaker :*

The Committee on Enrolled Bills, to which was referred the following bills, viz :

A bill to be entitled an act authorizing and defining the compensation of the Board of Equalization of Pike county.

A bill to be entitled an act to establish a place of voting in precinct No. 3, in the county of Walker.

A bill to be entitled an act to establish two election precincts in the county of Washington.

A bill to be entitled an act for the relief of Thomas H. Baily of Washington county.

A bill to be entitled an act to amend section 2 of an act entitled an act to amend an act to authorize the commissioners' court of Pike county to have collected a tax to pay bridge claims.

A bill to be entitled an act to enable private corporations incorporated by the laws of this State to surrender their charters and settle up their corporate affairs.

Have had the same under consideration and instruct me to report them correctly enrolled.

GEO. W. LAWRENCE,  
Chairman.

The report was accepted.

#### BY LEAVE.

Mr. Lawrence—

A bill to prohibit liquor sales within two miles of Gaylesville High School in Cherokee county.

Read twice.

Mr. Jones of Lee moved to amend by adding and within three miles of Notasulga Academy in Macon county.

Adopted.

Mr. Hunter moved to amend by adding within two

miles of Hopewell Methodist Church and Hopewell Academy in Lowndes county.

Adopted.

Mr. McCoy moved to amend by striking out the localities named and inserting within three miles of all churches and school houses in the State located outside of incorporated towns and cities.

Lost.

Mr. Hannon moved to amend by adding within two miles of Harmony M. E. Church in Elmore county.

Adopted.

Mr. Musgrove moved to amend by adding and within two miles of the court-house in Vernon, Sanford county.

Adopted, and the bill as amended was read a third time and passed.

Mr. Greene of Jefferson—

A bill to prohibit liquor sales within two and a half miles of the Pierce coal mines in section 12, township 14, range 3, west, and also within two and a half miles of the New Castle coal mines in Jefferson county.

Passed.

House bill, amended by Senate, to prohibit liquor sales within  $2\frac{1}{2}$  miles of Daviston Academy and Spring Hill Church in Talladega county. The Senate amendment which strikes out  $2\frac{1}{2}$  and inserts  $1\frac{1}{2}$  miles was concurred in.

Mr. McHugh—

A bill to define the liability of persons living in the town or village of Whistler in Mobile county, to do public road duty.

Passed.

Mr. Renfro—

To amend sections 1314 and 1317 of the Revised Code, so far as the same relates to Calhoun county.

Passed.

Mr. Cloud, from select committee, reported favorably on bill for the relief of Mrs. Mary Ann Taylor of Montgomery county.

Passed.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
Dec. 10, 1873. }

*Mr. Speaker :*

The Senate has passed without amendment House bills with the following titles :

To amend an act entitled an act to prevent the sale of liquor within a mile of Choocolocco Bridge on Truss' Ferry Road in Talladega county.

To authorize the Secretary of State to employ temporary clerks and for the payment of certain clerical services heretofore rendered.

To amend section 652 of the Revised Code of Alabama, so far as it relates to the county of Choctaw.

To amend an act entitled an act to fix the time of holding the courts in the fifth judicial circuit.

And House joint resolutions as follows :

Ordering the printing, distribution and preservation of certain journals therein mentioned.

And has originated and passed bills with the following titles :

For the relief of William H. Clemons, tax collector of Chambers county.

To establish a new chancery district of Covington county.

To restrict the power of taxation of incorporated cities and towns in certain cases.

And ordered the same forthwith to the House without engrossment.

The Senate has passed with an amendment House bill:

To provide for the support of the Freedman's Hospital located near the city of Talladega Alabama.

And has originated and passed a bill:

To fix the time of holding the circuit court in the eighth judicial circuit.

Both of which are ordered forthwith to the House.

Has also originated and passed a bill :

For the relief Mrs. Isabella M. Bradley, wife of Joseph C. Bradley, of Huntsville, Madison county, Alabama.

And ordered the same forthwith to the House.

Has also originated and passed bills with the following titles :

To provide for the support of the common schools of this State for the current year.

To provide for the publication of the school laws of this State.

In relation to the victualing of prisoners in jail.

To induce investments of foreign capital in the Chickasaw, Birmingham and Tuskaloosa Railroad Company's bonds and stock, and thereby to aid in the developing and utilizing the mineral resources of the State.

To authorize executors, guardians, administrators or trustees to make investments in bonds, obligations and securities of the United States and of the State of Alabama.

To economise in the public printing, and to repeal section 123 of the Revised Code.

And

#### JOINT RESOLUTION

For the relief of Louis Hobart, agent of M. S. Hobart.

MIKE L. WOODS,  
Sec'y of Senate.

#### REPORTS FROM COMMITTEES.

Mr. Bruce, from the Committee on Ways and Means, reported favorably on the bill to secure a more thorough assessment of the real property of the State.

Passed.

Also, favorably to the appropriation bill for the fiscal year ending September 30th, 1874.

Report accepted.

Mr. Boyd moved to amend by proviso, that after the expiration of the present term, the Commissioner of Industrial Resources shall be limited to one thousand dollars per annum.

Mr. Dustan moved to lay the amendment on the table.

Mr. Bruce raised the point of order, that the amendment proposed to fix a salary, not to make an appropriation, and was therefore not germane.

Mr. Manning also made the same point.

Mr. Boyd said that his amendment contemplated nothing more than to put it within the next Legislature to reduce the salary of that officer. One thousand dollars

would be amply sufficient to recompense all the good effected by the Commissioner, but it might not be sufficient to pay his incidental expenses. He was informed that the present incumbent had run off from the city on some unknown account.

Mr. Cowan renewed the point of order, and the chair sustained it, ruling the amendment out of order.

And thereupon the bill, as reported by the committee, was read a third time, under a suspension of the rule, and passed.

Mr. Bruce, from the same committee, also reported favorably to the bill to provide food and clothing for the convicts in the penitentiary.

Report accepted.

Mr. Manning moved to amend by proviso, that the sum thus appropriated shall not be applied in aid of the penitentiary farm, or used in support thereof.

After considerable discussion,

The bill was ordered to a third reading at 10:30 to-morrow, and made the special order for that hour.

Mr. Bruce, from same committee, also reported favorably to the bill to induce and encourage immigration to the State of Alabama.

Report accepted.

Mr. Greene of Hale offered to amend by proviso, that one of said offices shall be established in Africa, to promote emigration from that country.

Mr. Dustan moved that the House take a recess until 5 o'clock P. M.

Mr. Ellsworth moved to amend, by making it 10 o'clock to-morrow.

The motion as amended was agreed to, and

The House adjourned until 10 o'clock to-morrow.

THURSDAY, Dec: 11, 1873.

On motion of Mr. White of Clay,

Mr. Stone took the Chair and called the House to order.

Prayer by Rev. Mr. Jones.

Leave of absence was granted Mr. Crawford for this day on account of sickness.

The roll was called and the following members answered to their names:

Messrs. Anderson, Ash, Barnett, Barrow, Barton, Boyd, Brewer, Broadnax, Brown of Jackson, Brown of Tuscaloosa, Bruce, Chapman, Clarke of Barbour, Clarke of Perry, Clopton, Cloud, Cochran, Cockrell, Cowan, Crawford, Corsbie, Donoho, Dotson, Dozier, Dustan, Elliott, Ellsworth, Fantroy, Franklin, Galaspie, Goldsby, Greene of Hale, Greene of Jefferson, Hamilton, Hannon, Hawkins, Howell, Hunter, Johnson, Jones of Lee, Jones of Madison, Kelly, Lamb, Lawrence, Lee, Levey, Lewis, Lovvorn, McAfee, McCaskie, McCoy, McHugh, Mancill, Manning, Mathews, Maull, Millen, Merriwether, Moss, Murphree, Musgrove, Patterson of Autauga, Patterson of Macon, Peddy, Purcell, Reed, Reese, Renfro, Simpson, Slater, Smith of Bibb, Smith of Morgan, Smith of Dallas, Speed, St. Clair, Stallworth, Steel of Madison, Steel of Montgomery, Stone, Stribling, Taylor of Lauderdale, Taylor of Sumter, Threat, Thomas, Treadwell, Vaughn, Walker, Whatley, Weatherford, White of Clay, Wilkinson and Williams of Barbour.

A quorum being present,

The Journal of yesterday was read and approved.

Leave of absence, until Monday, was granted to Mr. Draxler.

#### THE IMMIGRATION BILL.

Mr. Bruce, who held the floor at the time that the recess was taken, yielded it on condition that a vote would be taken.

Mr. Clarke rose to reply, when

Mr. Bruce interrupted him with a motion to make the further consideration of the bill the special order for 1 P. M. to-morrow, and from day to day until disposed of.

Mr. Clarke moved to amend, by making the postponement indefinite.

Mr. Hunter moved to lay the amendment on the table.

Mr. Boyd made the point of order that the House having asked a recess yesterday, this day was but a continuation of yesterday, and therefore one and the same day.

The chair overruled the point.

Mr. Boyd then raised the point that the special order was the bill to provide food and clothing for the convicts in the penitentiary.

The chair sustained the point.

Mr. Clark of Perry said that, with a view to expedite

business, he would ask leave to withdraw his motion, and allow the original motion of Mr. Bruce to be submitted to the House.

Leave was granted, and the motion withdrawn.

The motion of Mr. Bruce was then put and carried.

#### FIRST SPECIAL ORDER.

The hour of 10:30 having arrived,

The House took up the bill to provide food and clothing for the convicts in the penitentiary.

Mr. Jones of Lee moved to reconsider the vote by which the bill was ordered to a third reading to-day.

Mr. Jones then moved to lay the motion to reconsider on the table.

The motion to reconsider prevailed—yeas 47, nays 23.

Mr. Boyd then moved to defer the further consideration of the bill until 2 P. M. next Monday, and proceeded "to argue the point" until the arrival of the hour of 11 A. M., when the whole matter was postponed until 10:30 A. M. to-morrow, and the House took up the

#### SECOND SPECIAL ORDER.

The bill to regulate the feeding and custody of persons confined in jail for violation of the laws of the State,

Was laid over until to-morrow to make way for the

#### THIRD SPECIAL ORDER.

Mr. McCaskie, from the select committee, reported back the bill to prevent tax collectors and all others engaged in collecting the State revenues from holding or speculating in State warrants, State certificates, or other securities of the State.

Report accepted.

Mr. Taylor of Lauderdale moved to amend by proviso, that nothing contained in the bill shall be so construed as to repeal or modify in any manner the act requiring a proportionate share of the public school money to be kept in the several counties of the State, which act is declared to be of full force.

Mr. Clark of Perry moved to amend by authorizing the tax collector to receive State certificates for taxes.



Withdrawn.

The amendment offered by Mr. McHugh was, on motion, laid on the table ;

And thereupon the rules were suspended, the bill ordered to a third reading forthwith, and passed.

#### FOURTH SPECIAL ORDER.

The House then proceeded to consider the bill for the protection of agriculturists in certain counties, the pending question being upon the adoption of the substitute offered by Mr. Parsons.

Mr. Merriwether moved to defer further consideration of the bill and amendment until 3 P. M. next Tuesday.

Tabled.

Mr. Dustan moved that the agricultural bill be postponed to make way for the funding bill.

Mr. McAfee, in connection with what the gentleman from Marengo had said, desired to state that in his opinion all political bills, or bills *quasi* political in their character, should be postponed.

He therefore moved to postpone the agricultural bill and the civil rights bill until to-morrow.

Agreed to.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
Dec. 11, 1873. }

*Mr. Speaker :*

The Senate has passed, without amendment,

#### HOUSE BILL

To authorize David R. Leonard, the administrator of the estate of J. Glenn Leonard, deceased, to sell the lands of said estate at private sale, without making application, proof, and obtaining an order of sale, as is usually done.

And has originated and passed a bill—

To authorize the commissioners court of [Choctaw county to increase the pay of the sheriff of said county

for *ex-officio* services, and be made a preferred claim against the county treasury.

And also originated and passed bills with the following titles :

To amend an act to incorporate the Selma Building and Loan Association.

To require the criminal docket in the circuit courts for Talladega county to be set for trial on the third week of the term.

And ordered the same forthwith to the House without engrossment.

To authorize the court of county commissioners for the county of Jefferson to issue the bonds of said county for an amount not exceeding fifty thousand dollars, for certain purposes therein named.

And also a bill—

To amend an act to authorize the county of Montgomery to issue bonds, approved March 7th, 1873.

And ordered the same forthwith to the House.

To repeal an act approved March 3d, 1870, entitled "An act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence, so far as the same applies to the county of St. Clair.

To authorize Ann S. Prince, administratrix of the estate of Oliver F. Prince, deceased, to sell certain lands of said estate at private sale, for the purpose of paying off the debts of said decedent.

And ordered the same forthwith to the House without engrossment.

MIKE L. WOODS,  
Sec'y of Senate.

#### THE FIFTH SPECIAL ORDER.

The bill—

To provide for the funding of the domestic debt of the State,

Was then taken up, the pending question being upon the adoption of the amendment proposed by Mr. Dustan.

Mr. Dustan asked leave to call from the table his bill

providing for the re-issue of State certificates, that it might be offered as a substitute for the funding bill.

The leave was not granted.

Mr. Browne of Tuscaloosa moved to strike out section 20 of the bill and insert two other sections in lieu thereof.

Mr. Bruce raised the point that the number of amendments already pending precluded the right, under the rules, to offer this one.

The chair did not sustain the point, although the Speaker admitted that ordinarily the point would be considered well taken.

#### MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT, }  
Montgomery, December 11, 1873. }

*Mr. Speaker :*

I am instructed by the Governor to communicate to the House of Representatives that he has this day approved and signed the following bills, which originated in the House:

#### AN ACT

To regulate the publication of legal notices in the county of Crenshaw.

#### AN ACT

To repeal an act entitled "An act to require the court of county commissioners to publish semi-annual exhibits of the receipts and expenditures of money for and on account of their respective counties," approved August 12th, 1868, and to repeal sections 117 and 118 of an act to establish revenue laws for the State of Alabama, approved December 31st, 1868, so far as applies to the county of Crenshaw.

#### AN ACT

To repeal an act entitled "An act to establish a crimi-

nal court for the county of Russell, with criminal and civil jurisdiction," approved February 26th, 1872.

AN ACT

To regulate the disposition and management of the bequest made by James Wallace, late of Lawrence county, Ala., for the benefit of free public schools in township 7, range 9, west, in said county.

AN ACT

To lay off the county of Conecuh into four commissioners districts.

AN ACT

To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors, intoxicating bitters, or other intoxicating beverages, within three miles of Enon Presbyterian Church, in Jefferson county.

AN ACT

To establish a place of voting in Precinct No. 3, in the county of Walker.

AN ACT

Authorizing and defining the compensation of the board of equalization of Pike county.

AN ACT

To amend section two of an act entitled "An act to amend 'an act to authorize the commissioners court of Pike county to have collected a tax to pay bridge claims.' "

AN ACT

To establish two election precincts in the county of Washington.

## AN ACT

For the relief of Thomas H. Bailey, of Washington county.

Respectfully,

CHARLES J. ATKINSON,  
Recording Secretary.

Pending debate.

On motion of Mr. Cockrell,

The House adjourned until 10 o'clock to-morrow.

---

FRIDAY, Dec. 12, 1873.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Jones.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Ash, Barrow, Barton, Boyd, Brewer, Broadnax, Brown of Jackson, Brown of Tuskaloosa, Bruce, Carson, Chapman, Clarke of Barbour, Clarke of Perry, Clopton, Cloud, Cockrell, Cowan, Crawford, Corsbie, Davis, Donoho, Dotson, Dozier, Draxler, Dustan, Elliott, Ellsworth, Fantroy, Franklin, Galaspie, Goldsby, Greene of Hale, Greene of Jefferson, Hamilton, Hannon, Hawkins, Howell, Hunter, Johnson, Jones of Lee, Jones of Madison, Kelly, Lamb, Lawrence, Lee, Levey, Lewis, Lovvorn, McAfee, McCaskie, McCoy, McHugh, Mancill, Manning, Master-son, Mathews, Maull, Millen, Merriwether, Moss, Murphree, Musgrove, Patterson of Autauga, Patterson of Macon, Peddy, Purcell, Reed, Reese, Renfro, Simpson, Slater, Smith of Bibb, Smith of Morgan, Smith of Tallapoosa, Smith of Dallas, Speed, St. Clair, Stallworth, Steel of Madison, Steel of Montgomery, Stone, Stribling, Taylor of Lauderdale, Taylor of Sumter, Threat, Thomas, Vaughn, Walker, Whatley, Weatherford, White of Clay, Wilkinson, Williams of Barbour, Williams of Mont-  
gomery.

A quorum being present,

The Journal of yesterday was read and approved.

Mr. Lawrence submitted the following

REPORT.

*Mr. Speaker :*

The Committee on Enrolled Bills, to which was referred,

A bill to be entitled an act to amend section 4 of an act entitled an act to regulate property exempt from sale for the payment of debts, approved April 23, 1873.

A bill to be entitled an act to authorize the Secretary of State to employ temporary clerks, and for the payment of certain clerical service heretofore rendered.

Joint resolution ordering the printing, distribution and preservation of certain journals therein mentioned.

A bill to be entitled an act to amend an act to authorize the commissioners' court of Conecuh county to levy a special tax, approved December 10, 1868.

A bill to be entitled an act to authorize Angus McAllister, administrator of the estate of A. J. McAllister, deceased, to sell lands belonging to said estate.

A bill to be entitled an act to provide for increasing the pay of the county commissioners of Perry county.

A bill to be entitled an act to amend an act entitled an act to fix the time of holding the courts in the fifth judicial circuit.

A bill to be entitled an act to amend section 652 of the Revised Code of Alabama, so far as it relates to the county of Choctaw.

GEO. W. LAWRENCE,  
Chairman.

By leave, Mr. Lawrence introduced a bill to authorize the holding of a special term of the circuit court of Etowah county for the trial of the case of the State of Alabama vs. Wm. Hall, indicted for murder.

Passed.

Mr. Manning, from the select committee, reported favorably to the bill to authorize the administrator of the estate of Celia Baldwin, deceased, to sell the personal property belonging to said estate at public or private sale.

Passed.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
Dec. 12, 1873. }

*Mr. Speaker :*

The Senate has originated and passed bills with the following titles :

To amend the charter of the town of Decatur in Morgan county.

To fix the time of holding the chancery courts for the sixth district of the eastern chancery division, composed of the county of Macon.

Also bills—

To remove the guardianship of Lillie Bowden, a minor, from the probate court of Butler county, Alabama, to the probate court of Shelby county, in the State of Tennessee.

To repeal an act entitled an act to establish a criminal court for the county of Dallas, approved February 23, 1870.

And ordered the same forthwith to the House without engrossment.

MIKE L. WOODS,  
Sec'y of Senate.

Mr. Jones of Lee, from a select committee, asked leave to report. Objection being made, the chair decided, after the matter had been discussed, that this day having been set apart for Senate Messages, reports of select committees could not be heard.

## SENATE MESSAGES.

To authorize executors, administrators, guardians and trustees to make investments in bonds, obligations or securities of the United States and of the State of Alabama.

The vote was taken by yeas and nays and resulted as follows :

Those voting in the affirmative are—

Messrs. Anderson, Barnett, Boyd, Brewer, Brown of Jackson, Bruce, Carson, Clarke of Barbour, Clarke of Perry, Cloud, Cochran, Cockrell, Cowan, Crawford, Donoho, Dotson, Dozier, Ellsworth, Fantroy, Golds-

by, Greene of Hale, Hannon, Hawkins, Howell, Hunter, Johnson, Jones of Lee, Lamb, Lawrence, Lee, McCas-kie, McHugh, Manning, Masterson, Mathews, Maull, Millen, Merriwether, Patterson of Autauga, Patterson of Macon, Peddy, Reed, Reese, Simpson, Slater, Smith of Tallapoosa, Smith of Dallas, St. Clair, Stallworth, Steel of Madison, Steel of Montgomery, Stone, Stribling, Taylor of Sumter, Threat, Thomas, Vaughn, Walker, Williams of Montgomery.

Yeas 59.

Those voting in the negative are—

Messrs. Ash, Barrow, Barton, Broadnax, Brown of Tuskaloosa, Clopton, Corsbie, Elliott, Franklin, Galaspie, Greene of Jefferson, Hamilton, Kelly, Levey, Lewis, Lov-vorn, McAfee, McCoy, Mancill, Murphree, Musgrove, Purcell, Renfroe, Smith of Bibb, Smith of Morgan, Tay-lor of Lauderdale, Whatley, Weatherford, White of Clay, Wilkinson and Williams of Barbour.

Nays, 31.

So the bill was passed.

The House then took up Senate bill to be entitled "an act to provide for the support of the common schools of the State for the current year.

The bill was read and under a suspension of the constitutional rules was read a second time.

Mr. Taylor of Lauderdale offered the following amend-ment :

*Provided*, That nothing in this act shall be so construed as to prevent the Auditor from drawing all war-rants that may be necessary to carry out the provisions of an act entitled "an act to keep in each county of this State a proporate share of the public school money," approved April 19, 1873, and that each and every duty required of the Auditor by said act is hereby declared as remaining in full force and effect.

The amendment was adopted.

Under a further suspension of the constitutional rules the bill as amended was read a third time and passed.

Mr. Boyd, by leave, called up the Senate bill, to remove the guardianship of Lillie Bowden, a minor, from the probate court of Butler county, Alabama, to the probate court of Shelby county, in the State of Tennessee.

The bill was read, and under a suspension of the constitutional rule was read a second and third times and passed.



And ordered forthwith to the Senate.

Mr. Manning moved to take up Senate Joint Resolutions proposing amendments to the constitution of the State of Alabama, to the electors of the State, to be voted upon at the general election on the Tuesday after the first Monday in November, 1874.

To be read the first time.

Mr. Bruce moved to amend the motion by taking up and proceeding with the consideration of the bill to provide for the funding of the domestic debt of the State.

The amendment was adopted.

On the motion, as amended, the vote was taken by yeas and nays and resulted as follows:

Those who voted in the affirmative are—

Messrs. Anderson, Ash, Barnett, Barrow, Barton, Boyd, Brewer, Broadnax, Brown of Jackson, Brown of Tuska-loosa, Clopton, Cowan, Crawford, Corsbie, Donoho, Draxler, Elliott, Franklin, Galaspie, Greene of Jefferson, Hamilton, Hannon, Howell, Jones of Lee, Kelly, Lawrence, Lee, Lovvorn, McCoy, McHugh, Mancill, Manning, Masterson, Murphree, Musgrove, Peddy, Purcell, Ren-froe, Simpson, Slater, Smith of Tallapoosa, Stallworth, Stone, Stribling, Smith of Bibb, Smith of Morgan, Tay-lor of Lauderdale, Vaughn, Whatley, Weatherford, White of Clay, Wilkinson.

Yeas 53.

Those who voted in the negative are—

Messrs. Bruce, Carson, Clarke of Barbour, Clarke of Perry, Cloud, Cochran, Cockrell, Dotson, Dozier, Dustan, Ellsworth, Fantroy, Goldsby, Greene of Hale, Hawkins, Hunter, Johnson, Jones of Madison, Levey, Lewis, McAfee, McCaskie, Matthews, Maull, Millen, Merri-wether, Moss, Patterson of Macon, Patterson of Autauga, Reed, Reese, Smith of Dallas, Speed, St. Clair, Steel of Madison, Steel of Montgomery, Taylor of Sumter, Threat, Thomas, Treadwell, Walker, Williams of Barbour, Wil-liams of Montgomery.

Nays 43.

Absent and not voting, Messrs. Speaker, Davis, Gresham, and Lamb—4.

So the motion, as amended, was agreed to.

The Senate Joint Resolutions were then read the first time and lies on the table for a second reading on to-morrow.

The House then proceeded to consider the bill, to pro-

vide for the funding of the domestic debt of this State with the amendments offered thereto.

The speaker appointed as special committee of five on bill to make null and void certain sales of land for taxes in Winston county, for the year 1870 and 1871, Messrs. Simpson, Hamilton, Masterson, Galaspie and Kelly.

Pending the consideration of the bill and amendments Mr. Cowan moved to lay upon the table the amendments offered by Mr. Brown of Tuskaloosa.

On the motion to lay on the table the vote was taken by yeas and nays, and resulted as follows:

Those voting in the affirmative are—

Messrs. Speaker, Anderson, Barnett, Barton, Brewer, Brown of Jackson, Bruce, Carson, Clarke of Barbour, Clarke of Perry, Cloud, Cowan, Crawford, Dotson, Dozier, Dustan, Ellsworth, Fantroy, Goldsby, Greene of Hale, Hamilton, Johnson, Jones of Lee, Jones of Madison, Lawrence, Lewis, McHugh, Mancill, Masterson, Mathews, Maull, Millen, Merriwether, Patterson of Autauga, Patterson of Macon, Purcell, Reed, Reese, Slater, Smith of Morgan, Smith of Dallas, Stallworth, Steel of Madison, Steel of Montgomery, Stone, Stribling, Taylor of Sumter, Threat, Thomas, Walker, Williams of Barbour and Williams of Montgomery.

Yeas, 52.

Those voting in the negative are—

Messrs. Ash, Barrow, Boyd, Brodnax, Brown of Tuskaloosa, Clopton, Cockrell, Donoho, Franklin, Greene of Jefferson, Hawkins, Howell, Kelly, Lovvorn, McAfee, McCoy, Murphree, Renfroe, Smith of Tallapoosa, Taylor of Lauderdale, Vaughn, Whatley, Weatherford, White of Clay and Wilkinson.

Nays, 25.

So the motion to lay upon the table was agreed to.

Mr. Cowan also moved to lay upon the table the amendment offered by Mr. Dustan to section one of the bill.

On the motion to lay on the table,

The vote was taken by yeas and nays, and resulted as follows:

Those voting in the affirmative are—

Messrs. Speaker, Anderson, Barnett, Barrow, Brewer, Broadnax, Brown of Jackson, Bruce, Carson, Clarke of Barbour, Cowan, Crawford, Dotson, Dozier, Ellsworth,

Fantroy, Goldsby, Greene of Hale, Hamilton, Hawkins, Johnson, Jones of Lee, Jones of Madison, Kelly, Lawrence, McCaskie, McHugh, Manning, Millen, Merriwether, Moss, Patterson of Autauga, Patterson of Macon, Reed, Reese, Slater, Smith of Morgan, Smith of Dallas, St. Clair, Steel of Madison, Steel of Montgomery, Stone, Threat, Thomas, Walker, Weatherford, Williams of Barbour and Williams of Montgomery.

Yeas, 48.

Those voting in the negative are—

Messrs. Ash, Barton, Boyd, Brown of Tuskaloosa, Clarke of Perry, Clopton, Cloud, Cockrell, Corsbie, Donoho, Dustan, Franklin, Galaspie, Greene of Jefferson Howell, Lee, Lewis, Lovvorn, McCoy, Mancill, Mathews, Maull, Murphree, Peddy, Purcell, Renfroe, Smith of Tallapoosa, Stallworth, Stribling, Taylor of Lauderdale, Taylor of Sumter, Vaughn, Whatley and White of Clay.

Nays, 34.

So the motion to lay the amendment on the table was agreed to.

On motion of Mr. Boyd—

The House adjourned to 10 A. M. to-morrow.

SATURDAY, Dec. 13, 1873.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Jones.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Ash, Barnett, Barrow, Barton, Boyd, Brewer, Broadnax, Brown of Jackson, Brown of Tuskaloosa, Bruce, Carson, Chapman, Clarke of Barbour, Clarke of Perry, Clopton, Cloud, Cochran, Cockrell, Cowan, Crawford, Corsbie, Donoho, Dotson, Dozier, Dustan, Elliott, Ellsworth, Fantroy, Franklin, Galaspie, Goldsby, Greene of Hale, Greene of Jefferson, Hamilton, Hannon, Howell, Hunter, Johnson, Jones of Lee, Jones of Madison, Kelly, Lamb, Lawrence, Lee, Levey, Lewis, Lovvorn, McAfee, McCaskie, McCoy, McHugh, Mancill, Masterson, Mathews, Maull, Millen, Merriwether, Moss, Murphree, Musgrove, Patterson of Autauga, Patterson of Macon, Peddy, Purcell, Reed,

Reese, Renfroe, Simpson, Slater, Smith of Bibb, Smith of Morgan, Smith of Tallapoosa, Smith of Dallas, Speed, St. Clair, Stallworth, Steel of Madison, Steel of Montgomery, Stone, Stribling, Taylor of Lauderdale, Taylor of Sumter, Threat, Thomas, Treadwell, Vaughn, Walker, Whatley, Weatherford, White of Clay, Wilkinson and Williams of Barbour.

A quorum being present,

The Journal of yesterday was read and approved.

Leave of absence was granted Mr. Davis until Monday.

Mr. Ash, by leave—

Introduced a bill to repeal an act regulating the publication of legal notices in certain counties therein named, so far as the same applies to the county of St. Clair.

Passed.

By Mr. Hunter—

To authorize the stockholders of the Eureka Mining and Transportation Company, to change the name of said company.

Passed.

By Mr. Whatley—

Senate bill, to authorize the court of county commissioners of Tallapoosa county to compromise the bonded debt of said county to the Savannah and Memphis Railroad Company, or others holding the bonds of said company.

Passed.

By Mr. White—

Senate bill, for the relief of Shapherd Hall Female College at LaFayette, Alabama. [Authorizes it to grant diplomas and confer degrees.]

Passed.

By Mr. Walker—

Senate bill, to amend the act incorporating the Selma Building and Loan Association.

Read twice, amended in the enacting clause, and passed.

By Mr. Williams, of Montgomery—

A bill for the relief of the city of Montgomery, (Authorizes the issue of city certificates.)

Passed.

By Mr. McAfee—

House bill, amended by the Senate, for the relief of the Freedman's Hospital near Talladega.

Senate amendment was concurred in.

By Mr. Boyd—

Senate bill, for the relief of Mrs. Isabella M. Bradley, wife of Jos. C. Bradley, of Madison county, Alabama.

Passed.

Also, Senate bill to authorize the commissioners court of Marshall county to allow certain claims against said county.

Passed.

Also, the Senate bill to amend section two of an act to incorporate the town of Guntersville in Marshall county.

Passed.

Mr. Stone, from the Select Committee, reported favorably to the Senate bill to establish an inferior court of record in the town of Decatur.

The report was accepted.

Mr. Stone moved a suspension of the constitutional rule to read the bill a third time.

The House refused to suspend the rule.

Mr. Dustan, moved that the bill be ordered to a third reading on to-morrow, and made special order immediately after reading the Journal.

The motion was agreed to.

Mr. Wilkinson, by leave—

Called up Senate bill to provide weights and measures for the county of Dale.

Passed.

#### MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT, }  
Montgomery, December 12, 1873. }

*Mr. Speaker :*

I am instructed by the Governor to inform the House of Representatives, that he has this day approved the following bills, which originated in the House :

#### AN ACT

To provide for increasing the pay for the county commissioners of Perry county.

## AN ACT

To amend section 652 of the Revised Code of Alabama, so far as it relates to the county of Choctaw.

## AN ACT

To authorize Angus McAllister administer of the estate of A. J. McAllister, deceased, to sell lands belonging to said estate.

## AN ACT

To authorize the Secretary of State to employ temporary clerks, and for the payment of certain clerical services heretofore rendered.

## AN ACT

To amend an act entitled an act to authorize the commissioners court of Conecuh county to levy a special tax, approved December 10, 1868.

## AN ACT

To amend an act entitled an act to fix the time of holding the courts in the fifth judicial circuit.

Also, the following

## JOINT RESOLUTION

Ordering the printing, distribution and preservation of certain Journals therein mentioned.

Respectfully,

CHAS. J. ATKINSON,  
Recording Secretary.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
Dec. 13, 1873. }

*Mr. Speaker :*

The Senate has originated and passed a bill—

For the appointment of commissioners to liquidate claims against the State, arising from bonds issued and endorsed in the name of the State of Alabama.

Also, a bill—

To repeal an act entitled an act to establish the city court of Eufaula, approved February 14, 1870, and ordered the same forthwith to the House without engrossment.

The Senate has also originated and passed bills with the following titles :

To require the judge of probate of the county of Lauderdale to hold monthly terms of the county court for the trial of misdemeanors.

To provide for the redemption of lands sold for taxes and purchased by the State.

To confer additional powers upon the Peoples' Saving and Loan Association of Eufaula, Alabama,

And ordered the same forthwith to the House without engrossment.

And has originated a bill—

To amend an act entitled an act to establish revenue laws for the State of Alabama, approved December 31st, 1868,

And ordered the same forthwith to the House without engrossment.

Also, a bill—

To constitute the purchasers of any railroad hereafter sold under authority of any law of this State, a body politic and corporate,

And ordered the same forthwith to the House without engrossment.

A bill—

To amend sections six, ten, twelve and fifteen, of an act entitled "an act to establish a city court for the county of Lee, with criminal and civil jurisdiction, &c., and to repeal certain sections therein named,

And ordered the same forthwith to the House without engrossment.

A bill—

To prescribe the time of holding the circuit courts in the tenth judicial circuit.

And, also adopted a

## JOINT RESOLUTION

Raising a Joint Committee to confer with Miss Locket,  
And ordered the same forthwith to the House without  
engrossment.

The Senate has concurred in House amendment to

## SENATE BILL

To provide for the support of the common schools of  
this State for the current year.

MIKE L. WOODS,  
Sec'y. of Senate.

## REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Lawrence, from the Committee on Enrolled Bills,  
made the following

## REPORT.

*Mr. Speaker :*

The Committee on Enrolled Bills, to which was referred

A bill to be entitled "An act to amend an act entitled  
'An act to prevent the sale of liquor within a mile of  
Choccolocco Bridge, on Truss' Ferry Road, in Talladega  
county.'"

A bill to be entitled "An act to authorize David R.  
Leonard, the administrator of the estate of J. Glenn  
Leonard, deceased, to sell the lands of said estate at private sale, without making proof and obtaining an order of sale, as is usually done;"

Have had the same under consideration, and request  
me to report them correctly enrolled.

G. W. LAWRENCE,  
Chairman.

Mr. Thomas, from select committee, submitted the following



## REPORT :

*Mr. Speaker :*

The special committee, to which was referred the bill to be entitled

An act to define the rights and privileges of the Union Fishing and Salt and Manure Manufacturing Company of Alabama,

Have had the same under consideration, and instruct me to report favorably thereto, and recommend the passage of the bill.

B. R. THOMAS,  
Chairman.

The report was accepted, and  
The bill made special order for 12 M., Monday next.  
The House then took up as

## SPECIAL ORDER,

Having been set for 10½ o'clock, the bill—

To provide food and clothing for the convicts in the Penitentiary.

The bill having previously been ordered to a third reading,

Mr. Jones of Lee offered the following amendment as an engrossed ryder :

"*Provided*, That the amounts which may be collected on claims due the Penitentiary now in the hands of the Warden, or so much thereof as may be necessary, shall be applied to the payment of the amounts herein authorized."

The amendment was then adopted.

On the passage of the bill, the vote was taken by yeas and nays, and resulted as follows :

Those voting in the affirmative are—

Messrs. Speaker, Ash, Barnett, Brewer, Brown of Jackson, Bruce, Carson, Clarke of Barbour, Cloud, Cochran, Cowan, Crawford, Dotson, Dozier, Dustan, Ellsworth, Fantroy, Goldsby, Hannon, Howell, Jones of Lee, Jones of Madison, Lamb, Lawrence, Levey, Lewis, Lovvorn, McCaskie, Mathews, Maull, Merriwether, Moss, Patterson of Autauga, Patterson of Macon, Smith of Dallas, Steel of Madison, Taylor of Sumter, Threat, Thomas,

Walker, Williams of Barbour, Williams of Montgomery—Yeas, 41.

Those voting in the negative are—

Messrs. Barton, Boyd, Brown of Tuskaloosa, Clopton, Cockrell, Corsbie, Elliott, Franklin, Galaspie, Greene of Hale, Greene of Jefferson, Hamilton, Johnson, Kelly, McCoy, McHugh, Mancill, Murphree, Musgrove, Peddy, Reed, Reese, Renfro, Slater, Smith of Morgan, Smith of Tallapoosa, Stone, Taylor of Lauderdale, Treadwell, Vaughn, Whatley, Weatherford, White of Clay, Wilkinson—Nays, 34.

So the bill was passed, and ordered forthwith to the Senate.

#### SECOND SPECIAL ORDER.

The bill—

To regulate the feeding and custody of persons confined in jail for violation of the laws of this State,

Was then taken up.

Mr. McHugh moved to amend by striking out Mobile. Tabled.

Mr. White moved to amend by striking out "five" and inserting "ten."

Mr. Walker moved to amend the amendment by making an exception of Dallas county.

Mr. Parsons (Mr. Stone in the chair) offered a substitute for the bill.

The original bill provides that the counties shall feed their own prisoners where the number does not exceed five, and for all in excess of that number the sheriff shall be paid a per diem of forty cents each. The substitute provides that all persons arrested for misdemeanors shall be released on their own recognizance, and if they willfully forfeit their recognizance, such forfeiture shall be held and adjudged a felony, punishable by from one to two years imprisonment.

Mr. Jones of Lee made the point of order that the substitute was not germane to the subject matter of the original bill.

The chair overruled the point.

And a rising vote being taken,

The substitute was adopted—Ayes, 46; Noes, 20.

Mr. Barnett moved to amend, that any person released

as contemplated shall be informed of the penalty of forfeiting his recognizance.

Adopted.

Mr. Parsons moved as an amendment that the duty hereby required of the sheriff shall be held as covered by his oath of office.

Adopted.

Mr. Murphree moved to amend by additional section fixing the fees for feeding prisoners at forty cents per diem.

Tabled.

Mr. Cochran suggested thirty cents.

Mr. Jones of Lee offered a substitute.

Tabled.

Mr. Boyd said that as the effect of the bill would be to turn loose all prisoners, he would offer an amendment which would accomplish that object directly. He moved to amend by requiring the sheriff to give ten days previous notice of all intended arrests to parties accused of misdemeanors.

Tabled.

Mr. Stallworth offered a substitute in the nature of an original bill.

Tabled—Ayes, 38; Noes, 27.

Mr. Brown of Jackson moved to refer the bill and amendments to the Judiciary Committee.

Mr. White moved to refer to a select committee, with the gentleman from Talladega (Mr. Parsons) as chairman.

Agreed to.

Mr. Reese, by leave—

Senate bill to provide for holding a special term of the circuit court of Hale county, for the disposal of criminal business in said county.

Passed.

On motion,

The House adjourned until 10 o'clock next Monday.

---

MONDAY, December 15, 1873.

The House met pursuant to adjournment.

The roll was called and the following members answered to their names :

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Barton, Boyd, Brewer, Broadnax, Brown of Jackson, Brown of Tuscaloosa, Bruce, Carson, Clarke of Barbour, Clarke of Perry, Clopton, Cloud, Cochran, Cockrell, Cowan, Crawford, Corsbie, Davis, Donoho, Dotson, Dozier, Draxler, Dustan, Elliott, Ellsworth, Fantroy, Franklin, Galaspie, Goldsby, Greene of Hale, Greene of Jefferson, Gresham, Hamilton, Hannon, Hawkins, Howell, Hunter, Johnson, Jones of Lee, Jones of Madison, Kelly, Lamb, Lawrence, Lee, Levey, Lewis, Lovvorn, McAfee, McCaskie, McCoy, McHugh, Mancill, Manning, Masterson, Mathews, Maull, Millen, Meriwether, Moss, Murphree, Musgrove, Patterson of Autauga, Patterson of Macon, Peddy, Purcell, Reed, Reese, Renfroe, Simpson, Slater, Smith of Bibb, Smith of Morgan, Smith of Tallapoosa, Smith of Dallas, Speed, St. Clair, Stallworth, Steel of Madison, Steel of Montgomery, Stone, Stribling, Taylor of Lauderdale, Taylor of Sumter, Threat, Thomas, Treadwell, Vaughn, Walker, Whatley, Weatherford, White of Clay, Wilkinson, Williams of Barbour, and Williams of Montgomery.

A quorum being present,

The Journal of Saturday, the 13th inst., was read and approved.

Mr. Corsbie asked leave to call up a Senate message.

Mr. Greene of Jefferson moved to amend by calling up two.

Mr. Jones of Lee moved to amend by calling two.

Mr. Barnett moved, as a substitute, that the most important Senate bills be taken up and acted on.

The leave was refused.

#### FIRST SPECIAL ORDER.

The bill to provide for the establishment of an inferior court of record in the town of Decatur, Alabama, was then taken up and read a third time.

Mr. Smith of Morgan moved to amend by way of engrossed ryder providing that the question shall be submitted to a vote of the people who reside within the proposed jurisdiction and decided according to their will as expressed at the polls.

Mr. Clarke of Perry moved to lay the amendment on the table.

The vote was taken by yeas nays and resulted as follows :

Those who voted in the affirmative are—

Messrs. Barton, Bruce, Carson, Clarke of Perry, Cloud, Cochran, Cockrell, Davis, Dotson, Dozier, Dustan, Ellsworth, Fantroy, Goldsby, Greene of Hale, Hawkins, Hunter, Johnson, Jones of Madison, Lamb, Levey, Lewis, McAfee, Maull, Millen, Merriwether, Patterson of Autauga, Patterson of Macon, Reed, Reese, Simpson, Smith of Dallas, Speed, St. Clair, Steel of Montgomery, Stone, Threat, Thomas, Treadwell, Walker, Williams of Barbour.

Yeas 42.

Those who voted in the negative are—

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Brown of Jackson, Brown of Tuskaloosa, Clopton, Crawford, Corsbie, Donoho, Draxler, Elliott, Galaspie, Greene of Jefferson, Hamilton, Hannon, Howell, Jones of Lee, Kelly, Lawrence, Lee, Lovvorn, McCaskie, McCoy, McHugh, Mancill, Masterson, Mathews, Murphree, Musgrove, Purcell, Renfroe, Slater, Smith of Bibb, Smith of Morgan, Smith of Tallapoosa, Steel of Madison, Stribling, Taylor of Lauderdale, Taylor of Sumter, Vaughn, Whatley, Weatherford, White of Clay, Wilkinson.

Nays 49.

So the motion to lay the amendment on the table was lost.

Mr. McAfee raised the point of order that the engrossed ryder would require to be read three times.

The chair overruled the point.

Mr. Merriwether moved to postpone indefinitely the engrossed ryder.

Mr. Wilkinson moved to amend the motion so as to include the bill.

Mr. Merriwether moved to lay the motion to indefinitely postpone the bill on the table.

On the motion to indefinitely postpone the bill the vote was taken by yeas and nays and resulted as follows :

Those voting in the affirmative are—

Messrs. Barton, Bruce, Carson, Clarke of Barbour, Clarke of Perry, Cloud, Cochran, Cockrell, Davis, Dotson, Dozier, Dustan, Ellsworth, Fantroy, Goldsby, Greene of Hale, Hawkins, Hunter, Johnson, Jones of Madison, Lamb, Lewis, McAfee, McCaskie, Matthews, Maull, Millen, Merriwether, Moss, Patterson of Autauga,

Patterson of Macon, Reed, Reese, Simpson, Speed, St. Clair, Steel of Montgomery, Stone, Taylor of Lauderdale, Taylor of Sumter, Threat, Thomas, Treadwell, Walker, Williams of Barbour and Williams of Montgomery.

Yeas 47.

Those voting in the negative are—

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Boyd, Brewer, Broadnax, Brown of Tuskaloosa, Clopton, Cowan, Crawford, Corsbie, Donoho, Elliott, Galaspie, Greene of Jefferson, Hamilton, Hannon, Howell, Jones of Lee, Kelly, Lawrence, Lee, Lovvorn, McCoy, McHugh, Mancill, Masterson, Murphree, Musgrove, Purcell, Renfroe, Slater, Smith of Bibb, Smith of Morgan, Smith of Tallapoosa, Stallworth, Stribling, Vaughn, Whatley, Weatherford, White of Clay and Wilkinson.

Nays 44.

So the motion to lay upon the table was agreed to.

The question recurring on the motion to postpone the engrossed ryder, the vote was taken by yeas and nays and resulted as follows:

Those voting in the affirmative are—

Messrs. Speaker, Barton, Bruce, Carson, Clarke of Barbour, Clarke of Perry, Cloud, Cockrell, Cowan, Davis, Dotson, Dozier, Draxler, Dustan, Ellsworth, Fantroy, Goldsby, Greene of Hale, Hannon, Hawkins Hunter, Johnson, Jones of Lee, Jones of Madison, Lamb, Lawrence, Levey, Lewis, McCaskie, Manning, Matthews, Maull, Millen, Merriwether, Moss, Patterson of Autauga, Patterson of Macon, Reed, Reese, Simpson, Smith of Dallas, Speed, St. Clair, Steel of Madison, Steel of Montgomery, Stone, Stribling, Taylor of Sumter, Threat, Thomas, Treadwell, Walker, Williams of Barbour and Williams of Montgomery.

Yeas 55.

Those voting in the negative are—

Messrs. Ash, Barnett, Barrow, Boyd, Brewer, Broadnax, Brown of Jackson, Clopton, Crawford, Corsbie, Donoho, Elliott, Galaspie, Greene of Jefferson, Hamilton, Howell, Kelly, Lee, Lovvorn, McCoy, McHugh, Masterson, Murphree, Musgrove, Purcell, Renfroe, Smith of Bibb, Smith of Morgan, Smith of Tallapoosa, Stallworth, Taylor of Lauderdale, Vaughn, Whatley, Weatherford, White of Clay, Wilkinson.

Nays 36.

So the bill was passed.

Mr. Stone moved to reconsider the vote and to lay that motion on the table.

Agreed to.

# MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
Dec. 15, 1873. }

*Mr. Speaker :*

The Senate has originated and passed bills with the following titles :

For the relief Thomas C. Lanier, guardian of Belton Lanier, a minor.

To fix the time of election for judges of the supreme court, circuit court and chancellors.

To prohibit judges of probate court from appointing certain persons therein named guardians, *ad litem*.

To amend section 9 of an act entitled an act to regulate property exempt from sale for the payment of debts, approved April 23, 1873.

To create a new chancery district out of the counties of Conecuh and Escambia.

To provide for keeping a record of suits against the State.

To amend section 2960 of the Revised Code of Alabama.

And has passed with amendments House bill—

To establish revenue laws for the State of Alabama.

And has concurred in House amendment to Senate bill—

To amend an act to incorporate the Selma Building and Loan Association.

And has originated and passed a bill—

To restrain the courts of this State, their officers and agents, from creating liens upon property in litigation to the prejudice of mortgages and persons holding liens by statute or contract thereon.

The Senate has originated and passed a bill—

To amend section two (2) of an act entitled an act to regulate property exempt from sale for the payment of debts, approved April 23, 1873.

And has passed without amendment House

## JOINT RESOLUTION

Providing for the employment and pay of a messenger for the Judiciary Committee of the House.

Also, without amendment, House bills with the following titles :

To authorize the commissioners court of Wilcox county to make all claims against said county preferred claims when they have been incurred for the comfort and health of prisoners confined in the county jail.

To fix the time of holding the chancery courts for the county of Cleburne.

To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors, intoxicating bitters, or other intoxicating beverages within two miles of Yorgesboro, a station on the Western Railroad of Alabama, and within one mile and a quarter of the kilns of the Chewacla Lime Company, both in the county of Lee.

To amend sections 1314 and 1317 of the Revised Code of Alabama, so far as the same relates to Calhoun county.

To prohibit the sale or giving away of vinous or spirituous liquors within two miles of Gaylesville High School in Cherokee county, within two miles of the Methodist church South, known as "Harmony," Elmore county; within two miles of Hopewell Methodist church and Hopewell Academy, in the county of Lowndes; within three miles of the Notasulga Academy, in Macon county, and within three miles of the town of Vernon, Sanford county.

To prohibit the sale, giving away or otherwise disposing of vinous, spirituous or malt liquors, intoxicating bitters, or other intoxicating beverages within two and a half miles of the Pierce coal mines in section 12, township 14, range 3, west, and also within two and a half miles of New Castle coal mines, in Jefferson county.

To allow compensation to the tax assessor for making the copy of the book of assessment required by law.

To prohibit the sale or giving away of vinous or spirituous liquors within four miles of the Round Mountain Iron Works, and Tecumseh Iron Works or Coaling Grounds in Cherokee county.

To define the pay of jurors of Crenshaw county and to authorize the commissioners court to levy a tax to pay the same.



In relation to the fine and forfeiture fund of Marion county.

For the relief of W. C. Witherington, late tax collector of Greene county.

For the relief of Giles Kelly of Coosa county.

To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors within two (2) miles of Mount Hilliard church in Bullock county.

Also, without amendment, House

#### JOINT RESOLUTION

Making appropriation to pay for safe in the office of the Secretary of State.

Also, without amendment, House bills—

To define the liability of persons living in the town or village of Whistler in Mobile county to public road duty.

To authorize the stockholders of the Eureka Mining and Transportation Company to change the name of said Company.

Also, a bill—

To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors within the confines of Beat No. 7 in Choctaw county.

And ordered the same forthwith to the House without engrossment.

MIKE L. WOODS,  
Sec'y of Senate.

#### MESSAGE FROM THE SENATE.

STATE OF ALABAMA, }  
Montgomery, Dec. 15, 1873. }

*Mr. Speaker :*

The Senate has originated and passed bills with the following titles :

To amend the following sections in the Revised Code of Alabama, to-wit :

Sections numbers 3514, 3515, 3517, 3518, 3520, 3521, 4333, 4335, 4337, 4338, 4339, 4340, 4341, 4342, 4363, 2730, 2960, and 3527.

To repeal an act entitled an act to encourage the supply to the people of this State, of cooking stoves and appurtenances thereto, at reasonable prices, approved March 29th, 1873.

To amend an act entitled an act to re-enact and amend an act entitled an act to incorporate the Alabama Savings Bank of Montgomery,

And has passed with an amendment

#### HOUSE BILL,

To regulate the trial of attachment cases,

All of which are ordered forthwith to the House.

And has also originated and passed bills with the following titles:

To authorize the commissioners court of Crenshaw county to issue bond.

Making it unlawful for any person to sell, give, or make use by drinking in a public place, any vinous or spirituous or intoxicating liquors in, at or within five miles of the town of Centre, the county seat of Cherokee county, and for other purposes as therein shown.

To provide for the appointment of two inspectors of public roads in each of the election precincts in Jackson county, where it may be deemed by the commissioners court of said county, necessary to the promotion of the public good.

To create the Eleventh Chancery District of the Northern Chancery Division.

To authorize the commissioners court of Dallas county to provide a courthouse, and to dispose of courthouse belonging to said county.

To better define the corporate limits of the town of Scottsboro in the county of Jackson, and to limit the powers of taxation of the corporate authorities of said town,

And has adopted the accompanying substitute to

#### HOUSE BILL

For the relief of Mrs. Mary Ann Taylor,

All of which are ordered forthwith to the House.

MIKE L. WOODS,  
Sec'y. of Senate.

## MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT, }  
Montgomery, December 13, 1873. }

*Mr. Speaker:*

I am instructed by the Governor to inform the House of Representatives that on the 12th inst., he approved the following bill which originated in the House.

## AN ACT

To amend section four of an act entitled an act to regulate property exempt from sale for the payment of debts, approved 23d April 1873.

Respectfully,

C. J. ATKINSON,  
Recording Sec'y.

## THE FUNDING BILL.

The hour of 12:30 A. M., having arrived the funding bill was taken up and considered.

Mr. Bruce spoke in favor of the bill and moved to amend section eight by inserting "by proper receipt and" Adopted.

Mr. Bruce then moved to amend by striking out February 1st, 1874, and inserting Jan. 1st 1874 in the 9th section.

Mr. Bruce favored the amendment.

Mr. Ellsworth moved to strike out the 9th section of the bill.

Mr. Clarke of Perry, moved to lay the motion on the table.

Agreed to.

Mr. Lawrence moved to lay the amendment offered by Mr. Bruce upon the table.

The motion was not agreed to.

On the adoption of the amendment the vote was taken by yeas and nays, and resulted as follows:

Those voting in the affirmative are—

Messrs. Speaker, Anderson, Barnett, Barton, Brewer, Bruce, Carson, Clarke of Barbour, Clarke of Perry,

Cloud, Cochran, Cockrell, Cowan, Crawford, Davis, Donoho, Dotson, Dozier, Draxler, Fantroy, Goldsby, Greene of Hale, Hannon, Hawkins, Johnson, Jones of Lee, Jones of Madison, Lamb, Lewis, McCaskie, Masterson, Matthews, Maull, Millen, Merriwether, Moss, Patterson of Autauga, Patterson of Macon, Reed, Reese, Simpson, Smith of Dallas, Speed, Steel of Montgomery, Stone, Taylor of Sumter, Threat, Thomas, Treadwell, Walker, Williams of Barbour and Williams of Montgomery.

Yeas 52.

Those who voted in the negative are—

Messrs. Ash, Barrow, Boyd, Broadnax, Brown of Jackson, Brown of Tuscaloosa, Clopton, Corsbie, Elliott, Ellsworth, Galaspie, Greene of Jefferson, Hamilton, Howell, Kelly, Lawrence, Lee, Levey, Lovvorn, McAfee, McCoy, McHugh, Mancill, Manning, Murphree, Musgrove, Peddy, Purcell, Renfroe, Smith of Bibb, Smith of Morgan, Smith of Tallapoosa, St. Clair, Stallworth, Stribling Taylor of Lauderdale, Vaughn, Whatley, White of Clay, Wilkinson.

Nays 40.

So the amendment was adopted.

Mr. Bruce moved to amend section 15 by striking out "February 1st, 1874," and inserting "January 1st, 1874" in lieu thereof.

Adopted,

Yeas 43, noes, 39.

Mr. Bruce moved to amend section 15 by adding "and directed by law to pay out of the treasury" to line three thereof.

Adopted.

Mr. Bruce also moved to amend section 15 by proviso that this bill shall not be so construed as to authorize the payment of any part of the railroad debt of the State.

Mr. Lawrence moved to amend the amendment by proviso that no part of the certificates or bonds issued by authority of this act shall be used or employed in extinguishing the interest due on the railroad debt of the State.

Accepted ;

And the amendment as amended was also adopted.

Mr. Bruce moved to amend section 16, by striking out all between "act" and "section" in the 4th and 5th lines.

Adopted.

Mr. Boyd moved to amend by adding a further section making the salaries and fees of public officers, all fines and forfeitures and all dues, taxes and licenses to State, municipal or county organizations payable in the obligations to be issued under the bill.

Mr. Bruce moved to lay the amendment on the table. Agreed to.

On the motion, to lay upon the table the vote was taken by yeas and nays and resulted as follows:

Those voting in the affirmative are—

Messrs. Speaker, Anderson, Barnett, Barton, Brewer, Bruce, Carson, Clarke of Barbour, Clarke of Perry, Cloud, Cockrell, Cowan, Crawford, Dotson, Draxler, Elliott, Fantroy, Goldsby, Greene of Hale, Hawkins, Howell, Hunter, Johnson, Jones of Madison, Lamb, Lawrence, Levey, McCaskie, McHugh, Manning, Mathews, Maull, Millen, Merriwether, Moss, Patterson of Autauga, Patterson of Macon, Reed, Simpson, Smith of Morgan, Smith of Dallas, Speed Steel of Madison, Steel of Montgomery, Stribling, Taylor of Lauderdale, Taylor of Sumter, Threat, Thomas, Walker, Weatherford, White of Clay, Williams of Barbour, Williams of Montgomery—Yeas, 54.

Those voting in the negative are—

Messrs. Ash, Barrow, Boyd, Broadnax, Brown of Jackson, Brown of Tuskaloosa, Clopton, Corsbie, Dozier, Ellsworth, Galaspie, Greene of Jefferson, Hamilton, Jones of Lee, Lee, Lewis, Lovvorn, McAfee, McCoy, Mancill, Purcell, Renfro, Smith of Tallapoosa, Stallworth, Vaughn, Whatley—Nays, 26.

So the motion to lay upon the table was agreed to.

Mr. Bruce moved to amend section 1, line 14, by striking out "par value," and inserting in lieu thereof "face value."

Withdrawn.

Mr. Bruce moved to amend section 1 by inserting in line 14, just before the words "these obligations shall be receivable," the following words: "from and after the expiration of five years from their date, or sooner."

Withdrawn.

Mr. Bruce moved to amend by substituting the word "face" for the word "par" in the first section.

Pending consideration of the amendment,

On motion of Mr. Goldsby,  
The House took a recess until 5 o'clock P. M.

5 O'CLOCK.

The House was called to order by the Speaker.  
Mr. Lawrence made the following

#### REPORT.

*Mr. Speaker :*

The Committee on Enrolled Bills, to which was referred,  
A bill to be entitled an act to incorporate the town of Courtland, in the county of Lawrence ;

A bill to be entitled an act to provide for the support of the Freedman's Hospital, located near the city of Talladega, Alabama ;

Have had the same under consideration, and request me to report them correctly enrolled.

GEO. W. LAWRENCE,  
Chairman.

Mr. Manning introduced a resolution recalling from the Governor the bill entitled

An act to enable private corporations to surrender their charters, and settle their corporate affairs.

Adopted.

#### FUNDING BILL RESUMED.

The amendment offered by Mr. Bruce when the House took the recess was taken up, and,

On motion of Mr. Cowan, laid on the table.

Mr. Murphree moved to amend, by requiring the tax collector, in paying over the obligations collected by him, to make oath that they were paid to him for taxes, and to state the amount due by the tax payer at the time he paid his taxes.

Mr. Boyd moved to lay the bill and amendment on the table.

The vote was taken by yeas and nays and resulted as follows :

Those who voted in the affirmative are—

Messrs. Ash, Barrow, Boyd, Broadnax, Clopton, Cors-

bie, Dustan, Galaspie, Greene of Jefferson, Hannon, Jones of Lee, Kelly, Lee, Lewis, Lovvorn, McCoy, Mancill, Murphree, Musgrove, Peddy, Purcell, Renfroe, Smith of Morgan, Smith of Tallapoosa, Taylor of Lauderdale, Treadwell, Vaughn, and Whatley.

Yeas 27.

Those who voted in the negative are—

Messrs. Speaker, Anderson, Barnett, Barton, Brewer, Brown of Tuskaloosa, Bruce, Carson, Clarke of Barbour, Clarke of Perry, Cloud, Cochran, Cockrell, Cowan, Crawford, Donoho, Dotson, Dozier, Draxler, Elliott, Fantroy, Goldsby, Greene of Hale, Hamilton, Hawkins, Howell, Hunter, Johnson, Jones of Madison, Lamb, Lawrence, Levey, McAfee, McCaskie, McHugh, Manning, Masterson, Maull, Millen, Merriwether, Moss, Patterson of Autauga, Patterson of Macon, Reed, Reese, Simpson, Slater, Smith of Bibb, Smith of Dallas, Speed, Stallworth, Steel of Madison, Stribling, Taylor of Sumter, Threat, Thomas, Walker, Weatherford, White, Wilkinson, and Williams of Barbour.

Nays 62.

So the motion to table was not agreed to, and the amendment was adopted.

And thereupon the rules were suspended, and the bill read a third time and passed—ayes 58, nays 33.

Those who voted in the affirmative are—

Messrs. Speaker, Anderson, Barnett, Barton, Brewer, Brown of Tuskaloosa, Bruce, Carson, Clarke of Barbour, Clarke of Perry, Cloud, Cockrell, Cowan, Crawford, Donoho, Dotson, Dozier, Draxler, Elliott, Fantroy, Goldsby, Greene of Hale, Hamilton, Hawkins, Hunter, Johnson, Jones of Madison, Lamb, Lawrence, Levey, Lewis, McCaskie, McHugh, Manning, Maull, Millen, Merriwether, Moss, Patterson of Autauga, Patterson of Macon, Reed, Reese, Simpson, Slater, Smith of Dallas, Speed, St. Clair, Stallworth, Steel of Madison, Stone, Stribling, Taylor of Sumter, Threat, Thomas, Treadwell, Walker, Wilkinson, Williams of Barbour.

Yeas 58.

Those who voted in the negative are—

Messrs. Ash, Barrow, Boyd, Broadnax, Brown of Jackson, Clopton, Corsbie, Dustan, Galaspie, Greene of Jefferson, Hannon, Howell, Jones of Lee, Kelly, Lee, Lovvorn, McAfee, McCoy, Mancill, Masterson, Murphree,

Musgrove, Peddy, Purcell, Kenfroe, Smith of Bibb, Smith of Morgan, Smith of Tallapoosa, Taylor of Lauderdale, Vaughn, Whatley, Weatherford, White of Clay, and Wilkinson.

Nays 33.

Mr. Murphree gave notice that several members desired to enter their protest against the passage of the bill upon the Journal.

The House bill—

To prohibit tax collectors from trading in warrants, etc., as amended by the Senate, was then called up and the Senate amendment concurred in.

By Mr. Corsbie—

Senate bill to induce investments of foreign capital in the bonds and stocks of the Chickasaw and Birmingham Railroad Company, and thereby to aid in the developing and utilizing the mineral resources of the State.

Referred to a select committee of three, consisting of Messrs. Corsbie, Jones and Musgrove, with instructions to report immediately after the reading of the journal tomorrow.

By Mr. Greene—

Senate bill authorizing the county of Jefferson to issue county bonds for an amount not exceeding fifty thousand dollars, for certain purposes therein named.

Passed.

Also, to amend section one of the act to incorporate the city of Birmingham in Jefferson county.

Amended and passed.

By Mr. Jones of Lee—

Senate bill to amend sections 6, 10, 12 and 15 of the act to establish a city court for the county of Lee with civil and criminal jurisdiction, and to repeal certain sections therein named.

Passed.

Mr. Hunter, from the select committee on Senate bill relating to the term of office of the tax collectors of this State, reported favorably thereto.

Report accepted.

Mr. McHugh moved to amend so as to defer the time for the bill to go into effect until April 1, 1877.

Tabled.

Mr. Manning moved to amend, by requiring the tax collector to give bond to cover the extension of his term.



Adopted.

And the bill as amended was ordered to a third reading to-morrow, immediately after the reading of the journals.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT, }  
Montgomery, December 15, 1873. }

*Mr. Speaker :*

I am instructed by the Governor to return herewith to the House of Representatives the veto message that was withdrawn in relation to the bill

“To enable private corporations, incorporated by the laws of this State, to surrender their charters and settle up their corporate affairs.”

Respectfully,

CHAS. J. ATKINSON,  
Recording Sec'y.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
Dec. 15, 1873. }

*Mr. Speaker :*

The Senate has passed, with amendment,

HOUSE BILL

To prevent tax collectors and all others engaged in collecting the revenue of the State from speculating in State warrants, certificates, or other securities of the State.

And has also originated and passed bills—

To incorporate the Mineral City Fire Company No. 2 of Birmingham, Alabama, as an engine or hose company for municipal purposes.

To repeal an act entitled an act declaring White Water in Coffee county a public highway, approved February 29, 1848.

To prevent injury to railroad cars in use for the transportation of passengers or merchandize.

To repeal an act to protect the planters of this State from imposition in the sale of fertilizers.

To authorize the Governor to issue a patent to Elias Moss of Sanford county, for certain lands therein named.

To amend section one of an act entitled an act to incorporate the Elba Manufacturing Company in Coffee county, approved February 10, 1852.

To prohibit any person from selling, giving away, or otherwise disposing of any spirituous, vinous or malt liquors within three miles of Fayette Court House in the county of Fayette.

In relation to the public free schools of the city of Birmingham.

And ordered the same forthwith to the House.

MIKE L. WOODS,  
Sec'y of Senate.

By Mr. Clarke of Perry—

Senate bill to remove the administration of the estate of Thomas C. Darril from the county of Autauga to the county of Perry.

Passed.

By Mr. Purcell—

Senate bill repealing the act declaring Whitewater, in Coffee county, a public highway, approved February 29, 1848.

Passed.

By Mr. Lawrence—

Senate bill prohibiting liquor sales within five miles of Centre, and making it unlawful to drink any intoxicating liquors in any public place, in, at or within five miles of said town of Centre.

Passed.

By Mr. Purcell—

Senate bill to amend section 1 of the act incorporating the Elba Manufacturing Company in Coffee county.

Passed.

By Mr. Cloud—

Senate bill to amend an act amending the act to incorporate the Alabama Savings Bank of Montgomery.

Tabled—yeas 49, nays 20.

Mr. McAfee, from the Judiciary Committee, reported favorably to the Senate bill to revise and codify the

statute laws of the State of Alabama of a general and public nature.

Passed.

By Mr. Donoho—

Senate bill to authorize Ann S. Prince, administratrix of Oliver T. Prince, deceased, to sell certain lands belonging to said estate at private sale.

Passed.

Mr. Anderson, from the select committee, reported a bill providing for the adjustment of the claims of all agents, commissioners, and all other persons claiming compensation for services rendered in selecting and securing title to the swamp and overflowed lands in the State of Alabama.

The report was accepted and bill passed.

Mr. Clarke asked leave to call up a bill.

Mr. White moved to amend by calling up the Senate resolutions to amend the constitution.

Lost—yeas 49, nays 33—a four-fifths affirmative vote being required.

Mr. Lawrence, from the Committee on Enrolled Bills reported sundry bills correctly enrolled.

Mr. Anderson asked leave to introduce a joint resolution extending the session of the General Assembly.

Not granted.

By Mr. Parsons—

Senate bill requiring criminal docket in Talladega circuit court to be set for trial on the 3d week of the term.

Passed.

The House adjourned until 10 A. M. to-morrow.

TUESDAY, December 16, 1873.

The House met pursuant to adjournment.

Prayer by Rev. Dr. Petrie.

The roll was called and the following members answered to their names:

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Barton, Boyd, Brewer, Broadnax, Brown of Jackson, Brown of Tuscaloosa, Bruce, Carson, Chapman, Clarke of Barbour, Clarke of Perry, Clopton, Cloud, Cochran, Cockrell, Cowan, Crawford, Corsbie, Davis, Donoho, Dotson, Dozier, Draxler, Dustan, Elliott, Ellsworth, Fantroy,

Franklin, Galaspie, Goldsby, Greene of Hale, Greene of Jefferson, Hamilton, Hannon, Howell, Hunter, Johnson, Jones of Lee, Jones of Madison, Kelly, Lamb, Lawrence, Lee, Levey, Lewis, Lovvorn, McAfee, McCaskie, McCoy, McHugh, Mancill, Manning, Masterson, Mathews, Maull, Millen, Merriwether, Moss, Murphree, Musgrove, Patterson of Autauga, Patterson of Macon, Peddy, Purcell, Reed, Reese, Renfro, Simpson, Smith of Bibb, Smith of Morgan, Smith of Tallapoosa, Smith of Dallas, Speed, St. Clair, Stallworth, Steel of Madison, Steel of Montgomery, Stone, Stribling, Taylor of Lauderdale, Taylor of Sumter, Threat, Thomas, Treadwell, Walker, Whatley, Weatherford, White of Clay, Wilkinson, Williams of Barbour and Williams of Montgomery.

A quorum being present,

The Journal of yesterday was read and approved.

Mr. Stallworth moved to suspend the rules to allow him to call up two Senate bills.

Lost:

Mr. Clarke, from the select committee, reported favorably to the bill to induce the investment of foreign capital in the bonds and stocks of the Chickasaw, Birmingham and Tuskaloosa Railroad Company, and thereby to encourage the development of the mineral resources of the State.

Report accepted.

A motion to suspend the rules failed and the bill was ordered to lie on the table for the present.

The Senate bill relating to the terms of office of the several tax collectors of the State, was then taken up, read a third time and passed.

Yeas 45, nays 15.

Mr. Simpson, from the select committee, reported favorably, with an amendment, to the bill to authorize the commissioners' court of Winston county to grant licenses to keep public ferries in said county.

Report accepted, amendment adopted, and bill passed.

Mr. McCoy, from the select committee, reported favorably to the bill to protect plantations and lands from the depredations of stock in the counties of Chambers and Lee.

Report accepted.

Mr. Treadwell moved to lay the bill on the table.

Agreed to—yeas 35, nays 34.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
Dec. 16, 1873. }

*Mr. Speaker :*

The Senate has passed, with amendment,

## HOUSE BILL

To make appropriations for the fiscal year ending the 30th September, 1874.

And has originated and passed bills with the following titles :

To amend section 3706 of the Revised Code of Alabama.

Authorizing the Superintendent of Public Instruction to compromise the liability of the sureties on the official bond of W. J. Gilmore, late Superintendent of Public Schools in Choctaw county.

And has passed, without amendment,

## HOUSE BILLS

To secure a more thorough assessment of the real property of the State.

To authorize the court of county commissioners of Winston county to grant licenses to keep public ferries in said county.

And has originated and passed,

## JOINT RESOLUTION,

Appointing the Auditor of State to settle the accounts of Robt. Bradshaw, late superintendent of Sumter county.

And has concurred in House amendment to Senate bill—

To amend section one of an act to incorporate the city of Birmingham, in Jefferson county, approved December 19, 1871.

And has passed, without amendment,

## HOUSE BILL,

To provide food and clothing for the convicts in the penitentiary.

And has concurred in House amendment to Senate bills—

To provide for the funding of the domestic debt of this State.

Relating to the term of the several tax collectors of this State.

And has passed, without amendment,

## HOUSE BILL,

To provide for the adjustment of the claim of all persons, agents, commissioners and all others claiming compensation for services rendered in swamp and overflowed lands, &c.

MIKE L. WOODS,  
Secretary Senate.

Mr. Parsons, from the select committee on the bill to regulate the confinement and discharge of persons charged with misdemeanors, reported favorably thereto.

Report accepted.

Mr. Clarke of Perry moved to lay the bill on the table.

Lost.

Mr. Millen moved to lay the bill on the table.

Ruled out of order, and the rules were suspended and the bill was read a third time and passed.

Mr. Brown of Jackson, from the joint committee appointed to inquire into the condition of affairs in the office of the State Superintendent of Public Instruction, submitted the following

## REPORT.

*Mr. Speaker :*

The joint committee created in pursuance to a joint resolution of the General Assembly of Alabama, authorizing the appointment of a joint committee of the two Houses of the General Assembly, charged with the "duty of inquiring into the irregularities alleged against the Department of Education, by the commissioners appoint-

ed by His Excellency, the Governor," respectfully submit, that they have confined their investigation entirely within the scope of the original resolution, a want of time absolutely forbidding their acting in pursuance to the amendment to the original resolution, and therefore respectfully submit the following as the result of their investigation, together with their conclusions based thereon:

In the month of May or June, 1873, there was paid into the Educational Department, on account of the sixteenth section funds, the sum of five hundred and sixty-five dollars, which was not certified and paid into the Treasury, until December 10, 1873, a period subsequent to the commencement of the investigation by this committee. That said sum should have been certified and paid into the Treasury before the end of the fiscal year, September 30, 1873, there can be no doubt, but a failure to so pay it, within the period indicated, is accounted for by the Superintendent with the statement that he was necessarily absent from his office in consequence of sickness in his family, from about the first of June last, until the beginning of the present session of the General Assembly. Said sum is confessed to have been received by the Educational Department in current funds of the United States, and was paid into the Treasury in what is denominated "State certificates."

During the Superintendent's absence, Mr. Dalton, the chief clerk in the Department of Education, employed Mr. Levey, an employee of the office, to print certain "letter-heads" for the Department, paying therefor out of the Educational contingent fund, which is regarded by the committee as altogether inexcusable, in view of the fact that there is a law of the State under which a State printer is elected, whose duty it is to do the public printing for all the Departments, including that of Education.

The committee have carefully examined the accounts and vouchers in the matter of the "Bradshaw settlement," and are forced, by the evidence before them, to the irresistible conclusion that a large number of vouchers used by Bradshaw on former settlements were abstracted from the Department of Education, by some person or persons unknown to the committee, and were used again by Bradshaw's administrator in his settlement with the Department, made September 18th, 1873.

In this connection, it may not be amiss to state that Bradshaw's administrator, Dr. Cloud, late Superintendent of Public Instruction, and D. L. Dalton and J. M. Levey, clerks in the Department, were the persons present when said settlement was made.

That a notable attempt has been made to perpetrate a monstrous fraud upon the Department of Education, there can be no sort of doubt, as may be seen from a statement of the account and vouchers of Bradshaw herewith submitted, as made by the committee, and made a part of this report; and while the committee do not charge fraud and corruption directly upon any one, yet they respectfully submit, that the fact that a large number of the vouchers used in the settlement of September 18th, 1873, had been used in former settlements, must necessarily have been known by any one having the books and papers of the Department before them.

While the committee are forced, by the facts in their possession, to condemn the conduct of those employed as clerical aids in the Department of Education, as evidencing a want of integrity, or an almost total want of capacity, yet justice to Col. Speed, the Superintendent of Public Instruction, demands of them to say that when the "Bradshaw settlement" was made, he was unavoidably absent from his Department, and had nothing whatever to do with it, and since the investigation by the committee began, has afforded them every aid and facility within his power to enable them to make it thorough and complete, as to the matters involved in the report of the commissioners appointed by His Excellency, the Governor.

The committee having been called upon by J. M. Levey, a subordinate in the Department of Education, to protect him and do him justice, appointed a sub-committee, consisting of Messrs. Martin and Draxler, to wait upon Mr. Levey and procure from him a written statement of his connection with, and knowledge of said settlement, which statement is herewith submitted and asked to be made a part of this report.

While the committee have arrived at the balance due the Department of Education by Bradshaw, as may be seen from the statement herewith submitted, yet they wish to be distinctly understood, that in the examination of the matter they did not undertake to pass upon the



validity of the vouchers submitted, but treated them as if proper for all the purposes of the investigation.

The committee has made but a cursory examination of the general management of the internal affairs of the Educational Department, yet it has been sufficient to convince them that there is such a want of system in its general management as must necessarily keep it involved in inextricable confusion.

In conclusion, the committee respectfully beg leave to state that they have devoted all the time within their control to the discharge of the duty incumbent upon them, and that the investigation, as to the matters involved in the report of the commissioners appointed by His Excellency, the Governor, has been as full and complete as the time at their command would admit of.

All of which is respectfully submitted.

J. M. CARMICHAEL, 33d District,  
Chairman ;  
J. M. MARTIN, 9th District ;  
J. E. BROWN, of Jackson ;  
J. M. MOSS, of Madison ;  
FRANK DRAXLER, of Mobile.

MONTGOMERY, ALABAMA, }  
December 14, 1873. }

*Hon. John M. Martin, Chairman Joint Committee :*

Sir—After offering my grateful thanks to your committee for the kindness shown me in respect to the matter now being investigated in the Department of Education, I most respectfully submit the following statement of my knowledge of the settlement with the administrator of R. Bradshaw, deceased, late superintendent of education for Sumter county.

About the 18th day of September last, there was unusual excitement in the city of Montgomery, consequent upon the announcement that yellow fever had made its appearance here. Large numbers of citizens were leaving daily in great haste ; and several of the officers and employees of the State Departments had also left.

Mr. D. L. Dalton being chief clerk in the Department of Education, I asked and obtained leave of absence, for the purpose of making arrangements to remove my family from the city during the epidemic. This was about

the 17th or 18th of September. After obtaining leave of absence, I called every morning at the office of the Superintendent of Public Instruction to see if there was any work for me to do. Whenever Mr. Dalton had any work to do, I did it, and went about getting my family away. One morning (I think it was the 18th of September) I called at the office to see if there was any work for me; then Mr. Dalton informed me that Mr. Bradshaw had been in the office the day before for the purpose of settling his father's account; that he had gone out to get Dr. Cloud to assist at the settlement; that he would be at the office that morning, and I must remain. Shortly thereafter, Mr. Bradshaw called at the office, accompanied by Dr. Cloud. I was introduced to Bradshaw by Mr. Dalton. After a few moments consultation, Mr. Bradshaw exhibited a large lot of papers, purporting to be receipts for school moneys expended by his father. These papers were examined by Mr. Dalton for the purpose of allowing such of them as might be considered valid. Such of them as were accepted as valid vouchers were noted down by me in accordance with Mr. Dalton's orders. When Mr. Dalton would allow a paper, I put down the amount on a blank sheet, until enough had been thus allowed to balance debit entries on the book where I found the account. I have omitted to state that when Mr. Bradshaw and Dr. Cloud called at the office, Mr. Dalton told me to examine the books and see how much Bradshaw's account was behind. After searching for some time, I found some entries, pointed them out to Dalton, and he accepted the same as a basis upon which the vouchers were allowed. After sufficient papers had been allowed by Mr. Dalton as valid, he instructed me to enter the credits which now appear upon the books. I did so. After Mr. Dalton had ceased to examine the remaining papers of Bradshaw, he instructed me to write out a check for \$72.64, which was to close the settlement. That check remained in the office safe about one month, to the best of my recollection, when Mr. Dalton instructed me to carry it to the First National Bank for collection. I did as I was directed, and have not since seen the check. After these vouchers had been allowed, Bradshaw exhibited a large lot of other papers, saying they were also receipts for the same period.

I beg permission to state to the committee, that during my term of service in the Department of Education, Col.

Speed was absent on account of sickness nearly the whole time; that during his absence I obeyed the chief clerk in every order, the same as if given by Col. Speed himself; that I had no right to accept or reject any paper presented at the office; that I did all the work in strict accordance with orders of Mr. Dalton; and that every line written by me, and every entry made by me, was in accordance with orders of Mr. Dalton. After consultation with friends, whose opinions and advice I honor above any other (which I did in accordance with advice by yourself,) I must humbly beg your committee to examine my work in the office, for the purpose of ascertaining my efficiency for the subordinate position which I hold. I also must beg leave to submit the following statement:

A discrepancy appears in the Auditor's report as compared with the Superintendent's report, in relation to the sixteenth section fund. During my absence from the office, Mr. Dalton made a settlement with J. T. B. Ford, of Escambia county, in reference to certain sixteenth section purchases. Mr. Dalton never informed me of this settlement (that I might make proper entries) until the above reports had been made. Col. Speed knew nothing of this settlement, as he was absent.

During my absence from the office at another time, Mr. Dalton issued certificates to Sparta normal school. He never informed me (that I might make the proper entries) until your committee had visited the office of the Superintendent of Public Instruction.

In a statement made by me to your committee while in said office, I asserted that a receipt for \$2,900 given by M. C. Kinnard to R. Bradshaw was seen by me among the old papers with which the new ones were filed. That receipt appears now to be missing. I can only state to the committee that I was absolutely certain that I read that receipt when the recent settlement was made.

When the settlement was made with Mr. Bradshaw, I placed the papers allowed by Mr. Dalton in three separate envelopes, marked them in ink, giving the amount of dollars and cents, date of file, the year for which they purported to be vouchers, and filed them with other papers of same periods. Those envelopes were not seen by your committee, because they had been substituted by others, labelled by Mr. Dalton. During my absence from the office at another time, Mr. Dalton issued certificates to the superintendent of Talladega county, and failed to

inform me (that I might make the proper entries) until the report of the Superintendent of Public Instruction had been made. In all the discrepancies thus appearing I humbly beg your committee to inquire into, that justice may be done me, and the facts known why the books of the department vary from those of the Auditor.

I have made a candid and truthful statement of all I know concerning the Bradshaw settlement. I have stated all that was done and said in my presence. Although I thought at the time that the settlement ought not to have been made, and even suggested that Col. Speed ought to be present, yet I had no authority in the matter whatever, nor did I assume any.

I endeavored to discharge my duties as a subordinate faithfully, and never, in one single instance, did I fail to obey any order given me by Mr. Dalton. He informed me that he had full authority over all the affairs of the department, and I so recognized him. He signed all the papers officially, and signed his name frequently to official communications as chief clerk.

Again tendering my grateful thanks for your consideration towards me, I have the honor to be,

Very respectfully,

Your obedient servant,

J. M. LEVEY.

*Supt. of Education in account with R. Bradshaw, Sumter Co. Supt., by F. Draxler.*

Dr.	Cr.
1866. Dividend as per ledger.....\$13,791 84	1866. Vouchers as stated..\$3,022 10
1867. " ".....7,075 26	1867. " ".....5,144 53
1868. " ".....734 75	1868. " ".....622 79
1869. " ".....11,171 37	Cash p'd Kinnard... 2,900 00
1870. " ".....8,636 17	1869. Vouchers as stated..11,133 55
	1870. " ".....8,561 36—\$31,389 33
1873. To balance.....\$10,019 06	By balance due..... 10,019 06

The report was accepted, and

On motion of Mr. Boyd 1,000 copies were ordered printed; and

On further motion by Mr. McAfee, the report was ordered to be entered upon the journals of the House.

#### BY LEAVE.

Mr. Bruce, House bill amended by the Senate—

To make appropriations for the fiscal year ending September 30th, 1874.

Senate amendment concurred in.

Also, House bill amended by the Senate—

Regulating the trial of attachment cases.

The Senate amendment was concurred in.

Also, Senate bill—

Authorizing the Superintendent of Public Instruction to compromise the liabilities on the official bond of W. J. Gilmore, deceased, late superintendent of public schools in Choctaw county.

Passed.

Mr. McCoy moved to reconsider the vote by which the bill to prevent the depredations of stock in Chambers and Lee counties was laid upon the table.

Mr. Treadwell moved to lay it on the table.

Agreed to—Ayes, 40; Noes, 41.

Those who voted in the affirmative are—

Messrs. Speaker, Bruce, Carson, Clarke of Barbour, Clarke of Perry, Cloud, Cockrell, Davis, Dotson, Dozier, Ellsworth, Fantroy, Goldsby, Greene of Hale, Johnson, Lawrence, Levey, Lewis, McAfee, McCaskie, Mathews, Maull, Merriwether, Moss, Patterson of Autauga, Patterson of Macon, Reed, Reese, Simpson, Smith of Dallas, Speed, St. Clair, Steel of Montgomery, Taylor of Sumter, Threat, Thomas, Treadwell, Walker, Williams of Barbour, Williams of Montgomery—Yeas, 40.

Those voting in the negative are—

Messrs. Barnett, Boyd, Brewer, Brown of Jackson, Brown of Tuskaloosa, Clopton, Crawford, Corsbie, Donoho, Franklin, Galaspie, Greene of Jefferson, Hannon, Hawkins, Howell, Hunter, Jones of Lee, Lovvorn, McCoy, McHugh, Manning, Masterson, Murphree, Musgrove, Peddy, Purcell, Renfroe, Smith of Bibb, Smith of Morgan, Stallworth, Steel of Madison, Stone, Stribling,

Taylor of Lauderdale, Vaughn, Whatley, Weatherford, White of Clay, Wilkinson—Nays, 41.

Mr. Cloud, House bill amended by the Senate—

For the relief of Mary Ann Taylor, of Montgomery county.

Senate amendment concurred in.

Mr. St. Clair, Senate bill—

To fix the time of holding the courts of the sixth district of the eastern chancery division, composed of the county of Macon.

Passed.

Mr. Stone, Senate bill—

For the relief of Thomas C. Lanier, guardian of Belton Lanier, a minor.

Passed.

Mr. Mancill, Senate bill—

To establish a new chancery district of Covington county.

Passed.

Mr. Taylor of Lauderdale, Senate bill—

Requiring the judge of probate of Lauderdale county to hold monthly terms of the county court for the trial of misdemeanors.

Passed.

Mr. Williams of Montgomery, Senate bill—

To amend the act authorizing the county of Montgomery to issue bonds, approved March 7, 1873.

Passed.

Mr. Jones of Lee, Senate bill—

In relation to feeding prisoners in jail.

Read twice.

Mr. Anderson moved to except Mobile.

Mr. Walker moved to except Dallas county.

Mr. St. Clair moved to exclude Macon county.

Mr. Jones of Lee moved to lay the proposed amendments on the table.

Agreed to—Ayes, 61; Noes, 20.

Mr. Parsons offered an amendment;

Which was subsequently withdrawn.

Mr. Franklin, by leave, recorded his vote in the negative, and Mr. Williams of Montgomery in the affirmative, on the bill to provide for the funding of the domestic debt of this State.

According to previous notice, Mr. Murphree filed the following protest.

## A PROTEST.

The subjoined protest against the funding bill was entered by the members whose names are signed thereto :

The undersigned enter our protest against the passage of the Senate bill providing for the funding of the domestic debt of the State, for the following reasons :

1. Because we believe the bill to be in direct violation of the 10th section of article I of the constitution of the United States, which says no State shall emit bills of credit ; make anything but gold and silver coin tender in the payments of debts ; pass any *ex post facto* law, or law impairing the obligation of contracts ; yet this bill authorizes the issuance of bills of credit in denominations of tens, twenties, fifties and hundreds, transferable by delivery as other currency, which will be used in the payment of debts.

2. Because it proposes to issue obligations of the State, in which executors, administrators, guardians and trustees can, under an act of this session, invest the money in their hands belonging to estates, and thereby incur great loss, because these obligations are (in our opinion) unconstitutional and worthless.

3. Because section 9 of the bill is in violation of section 24, article I, of the constitution of the State of Alabama, and of section 10, article I, of the constitution of the United States, in this, that all warrants outstanding against the State were, at the time of their issuance, receivable in payment for State taxes, which is forbidden in said section 9, and in that particular impairs the obligation of contracts ; and because it requires our citizens holding warrants, which are valid claims against the State, to invest them in worthless obligations.

4. Because, instead of being a relief to our people, it increases their indebtedness by the enormous sum of eighty thousand dollars per annum.

JOEL D. MURPHREE, Representative,  
Pike.

J. M. RENFROE, Representative,  
Calhoun.

N. V. CLOPTON, Representative,  
Butler.

C. BROADNAX, Representative,  
Crenshaw.



W. A. MUSGROVE, Representative,  
Fayette.  
H. P. SMITH, Representative,  
Tallapoosa.  
S. M. VAUGHN, Representative,  
Baldwin.

5 O'CLOCK P. M.

The Speaker called the House to order.

A quorum being present,

The House resumed the consideration of the bill—

In relation to victualing prisoners in jail.

Under a suspension of the constitutional rule,

The bill was read a third time and passed.

By Mr. Lovvorn—

Senate bill, for the appointment of commissioners to liquidate claims against the State arising out of railroad indebtedness.

Read twice.

Mr. Lovvorn moved to suspend the rules and give a third reading.

Lost.

Mr. Treadwell moved to lay the bill on the table and the vote being had by ayes and noes the bill was not laid on the table.

Ayes, 10, noes 69.

Mr. Lovvorn moved to suspend the rules and put the bill on its third reading.

Lost.

Ayes 32, noes 57.

In the debate which ensued those who voted for tabling or otherwise disposing of the bill explained that they did so not because they were hostile to the measure, but because there was no time to discuss and perfect it.

The bill was then laid upon the table.

BY LEAVE,

Mr. Cochran, a bill to amend the act establishing a new charter for the city of Selma.

Read twice.

Mr. Johnson moved to strike out the first section because it imposed a street tax.

Mr. Clarke of Perry, moved to lay the bill upon the table.

Agreed to.

By Mr. Anderson—

Senate bill to restrict the power of taxation of incorporated cities and towns in certain cases.

Read twice.

Mr. Anderson moved two amendments which were adopted ;

And the bill as amended was read a third time and passed.

Mr. Merriwether moved to reconsider the vote by which the bill to amend the charter of the Montgomery Savings Association was tabled,

Lost ;

Ayes 33, noes 39.

By Mr. Anderson—

Senate bill, to constitute the purchasers of any railroad hereafter sold under authority of any law of this State a body politic and corporate.

Read twice.

Mr. Manning moved to amend.

The motion to amend prevailed, and the amended bill was thereupon read a third time and passed.

By Mr. McAfee—

Senate bill, to authorize the purchasers and their assigns of the railroads, corporate franchises, rights and estates of the New Orleans, Mobile and Texas Railroad Company to organize under the corporate name of the New Orleans and Mobile Railroad Company, and to exercise the corporate rights, privileges and franchises of said New Orleans, Mobile and Texas Railroad Company, &c.

Read twice.

Mr. Manning moved to amend by proviso.

The amendment was adopted and the bill read a third time and passed.

By Mr. Wilkinson—

Senate bill, to provide for the redemption of lands sold for taxes and purchased by the State.

Passed.

By Mr. Boyd—

Senate bill to authorize Mrs. V. O. Greene, wife of Thomas F. Greene, of Jefferson county, to purchase

property and mortgage the same for the security of the purchase money.

Passed.

Also, Senate bill to regulate the fees of constables in the county of Marengo.

Passed.

#### GOVERNOR'S MESSAGE.

The Governor transmitted a message to the House, announcing that on the 16th inst., he approved and signed the following bills originating in the House:

1. For the relief of the city of Montgomery.
2. To incorporate the town of Courtland in the county of Lawrence.
3. To provide for the support of the Freedman's Hospital, located near the city of Talladega, Alabama.
4. To define the liability of persons living in the town or village of Whistler, in Mobile county, to public road duty.
5. To provide food and clothing for the convicts in the penitentiary.
6. To make appropriations for the fiscal year ending 30th September, 1874.
7. To authorize the stockholders of the Eureka Mining and Transportation Company to change the name of said corporation.

#### BY LEAVE,

Senate bill to render competent as witnesses certain parties therein named, where suits are brought by the personal representatives of deceased persons.

Passed.

#### THE CIVIL RIGHTS BILL.

The civil rights bill being the special order, was then taken up—the pending question being Mr. Clarke's motion to amend the amendment offered by Mr. Boyd to a motion submitted by Mr. Hunter—the said motion being to order the bill to a third reading forthwith.

Mr. Clarke of Perry, made the point of order that he had been permitted, by a four-fifths vote, to call up a bill.

The chair overruled the point and Mr. Clarke appealed ; but the journals failing to show that the order had been made, the chair was sustained by the House.

Mr. Stallworth raised the point of order that the agricultural bill was the oldest standing order, and therefore the question before the House.

The Speaker decided that the point was well taken, and

#### THE BILL

Was then taken up, and Mr. Stallworth moved to lay all the amendments and the substitute on the table.

Mr. Threat moved as an amendment to the motion to table, to lay the bill, substitute and amendment upon the table.

On the motion to amend the vote was taken by yeas and nays, and resulted as follows :

Those voting in the affirmative are—

Messrs. Speaker, Barton, Bruce, Carson, Clarke of Barbour, Clarke of Perry, Cloud, Cochran, Cockrell, Davis, Dotson, Dozier, Dustan, Ellsworth, Fantroy, Goldsby, Greene of Hale, Hannon, Hawkins, Hunter, Johnson, Jones of Madison, Lamb, Levey, Lewis, McAfee, Mathews, Maull, Merriwether, Moss, Paterson of Autauga, Patterson of Macon, Reed, Reese, Simpson, Smith of Morgan, Smith of Dallas, Speed, St. Clair, Steel of Madison, Taylor of Sumter, Threat, Thomas, Walker, and Williams of Barbour.

Yeas, 45.

Those voting in the negative are—

Messrs. Anderson, Ash, Barnett, Barrow, Boyd, Brewer, Broadnax, Brown of Tuskaloosa, Chapman, Clopton, Cowan, Crawford, Corsbie, Donoho, Draxler, Elliott, Franklin, Gallaspie, Greene of Jefferson, Hamilton, Howell, Jones of Lee, Kelly, Lawrence, Lee, Lovvorn, McCoy, McHugh, Manning, Masterson, Murphree, Musgrove, Purcell, Renfroe, Smith of Bibb, Stallworth, Stone, Stribling, Taylor of Lauderdale, Vaughn, Watley, Weatherford, White and Wilkinson.

Nays, 44.

Mr. Steel of Montgomery was excused from voting.

So the motion to amend was agreed to.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
December 16, 1873. }

*Mr. Speaker :*

The Senate has originated and passed a bill to repeal an act entitled "an act" to amend an act entitled "an act" to establish revenue laws for the State of Alabama, approved February 9th, 1870,

And has concurred in House amendments to Senate bill.

To authorize the purchasers and their assigns of the railroad corporate rights, &c.,

And has passed without amendment,

## HOUSE BILL,

To regulate the confinement and discharge of persons charged with misdemeanors.

MIKE L. WOODS,  
Sec'y of Senate.

The vote then recurred on the motion as amended and resulted,

Yeas 45, noes 45 ;

So the motion to table did not prevail.

Messrs. Manning and Dustan rose to privileged questions after which the customary vote of thanks to the Speaker, Clerk and officers of the House was had when on motion of Mr. Boyd.

The House recessed until 11:30 o'clock.

The House reassembled at 11:30 P. M.

## BY LEAVE,

Mr. Masterson, Senate bill to create the 11th Chancery District of the Northern Chancery Division.

Passed.

Mr. Steel of Madison, Senate bill to amend section 2925 of the Revised Code of Alabama.

Passed.

Also, Senate bill to repeal the act to prevent the wanton destruction of fish in Madison, Marshall and Limestone counties, so far as it relates to the county of Madison.

Passed.

Mr. Howell,

#### SENATE JOINT MEMORIAL

To the Congress of the United States in relation to homesteads in the State of Alabama.

Adopted.

Mr. Brown of Tuskaloosa, Senate bill to amend section 2963 of the Revised Code of Alabama.

Passed.

Mr. McCaskie, from Committee on Accounts and Claims, reported favorably to Senate bill for relief of R. U. L. Watson, of Wilcox county.

Passed,

And soon afterwards,

On motion of Mr. Mathews the House adjourned *sine die*.

LEWIS E. PARSONS,  
Speaker.

Attest :

ROBERT BARBER,  
Clerk.

BLANK PAGE

## BILLS, JOINT RESOLUTIONS,

## MEMORIALS, ETC.,

INTRODUCED IN THE HOUSE OF REPRESENTATIVES.

---

By MR. ANDERSON—  
1873.

Nov. 26. To provide for assignments of error in fact as well as in law in all appeals to the Supreme Court in chancery cases. Referred to Judiciary. Report favorable, and bill passed, December 3.

Nov. 26. For the relief of W. P. Munden, of Perry county. Referred to Judiciary.

Dec. 8. To amend section twelve of the act incorporating the Mobile and Ohio Railroad Company. Referred to Corporations.

Dec. 15. (Reported.) To provide for the adjustment of the claims of all agents, commissioners and all other persons claiming compensation for services rendered in selecting and securing title to the swamp and overflowed lands in the State of Alabama. Passed.

By MR. ASH—  
1873.

Nov. 20. To define and punish adultery. Referred to Judiciary.



By MR. ASH—Continued.

1873.

- Nov. 20. To require fines and forfeitures in St. Clair county to be paid in money or currency. Referred to Local Legislation.
- Nov. 21. To pay F. M. Davidson, late jailer of DeKalb county, for certain services therein named. Referred to Ways and Means. Report favorable with an amendment, but bill recommitted November 26.
- Nov. 28. For the relief of A. B. Vandergrif, of St. Clair county. Referred to Accounts and Claims.
- Nov. 28. To authorize Daniel H. Thweat, administrator of the estate of R. M. Thweat, deceased, to sell the lands of said estate at private sale. Referred to Judiciary.
- Nov. 28. To authorize Daniel S. Brooks, administrator of the estate of Abram W. Brooks, deceased, to sell the lands of said estate at private sale. Referred to Judiciary.
- Dec. 8. To repeal the act regulating the publication of legal notices in certain counties therein named. Referred to Public Printing.
- Dec. 13. To repeal an act regulating the publication of legal notices in certain counties therein named, so far as the same applies to the county of St. Clair. Passed.

By MR. BARNETT—

1873.

- Nov. 20. To amend section 2857 of the Revised Code of Alabama. Referred to Judiciary.
- Nov. 20. To authorize the consolidation of the fine and forfeiture with the general fund of Monroe county. Referred to Local Legislation.
- Nov. 20. To authorize James M. Davidson, administrator of William Davidson, deceased, late of Monroe county, to sell the lands belonging to said estate at private sale, and to make titles to the same. Referred to Local Legislation.
- Nov. 21. Joint resolution of thanks to the city authorities of Opelika for the tender of public buildings for the use of the State officers and

By MR. BARNETT—Continued.  
1873.

the General Assembly. Amended and adopted.

Nov. 28. To repeal section 10 of the exemption act of April 24, 1873. Referred to Judiciary.

Dec. 8. To authorize Asa Parker, of Monroe county, to erect two gates across a public road in said county. Amended and referred to Local Legislation.

By MR. BARTON—  
1873.

Nov. 28. To make null and void certain sales of land for taxes in Winston county, for the years 1870 and 1871. Referred to a select committee.

Dec. 8. To authorize the commissioners court of Winston county to grant licenses to keep public ferries in said county. Referred to a select committee. Report favorable, and bill passed December 16.

By MR. BREWER—  
1873.

Nov. 20. To enable private corporations incorporated by the laws of this State to surrender their charters and settle their private affairs. Referred to Judiciary. Report favorable, and bill passed November 25.

By MR. BROADNAX—  
1873.

Nov. 24. To regulate the publication of legal notices in the county of Crenshaw. Passed.

Nov. 24. To repeal the act requiring the commissioners courts to publish semi-annual exhibits of the receipts and expenditures of money for and on account of their respective counties, approved August 12, 1868, and to repeal sections 117 and 118 of the revenue laws of the State of Alabama, approved December 31, 1868, so far as the same relates to the county of Crenshaw. Passed.

Nov. 24. To compel judges and chancellors to discharge their official duties. Referred to Judiciary.

By MR. BROADNAX—Continued.  
1873.

Report favorable with amendment, but re-committed December 3.

Nov. 24. For the relief of the Alabama Central Railroad Company. Referred to Ways and Means.

Nov. 24. Supplementary to the act for the punishment of crimes. Referred to Judiciary.

Dec. 8. To pay the jurors of Crenshaw county, and authorize the commissioners court to levy a tax to pay the same. Passed.

By MR. BROWN of Jackson—  
1873.

Nov. 19. To amend the act to fix the time of holding the courts in the fifth judicial circuit. Ordered to second reading. Passed.

Nov. 22. To amend the act to protect the owners of stock on the lines of railroads in this State. Referred to Judiciary.

Nov. 26. To repeal chapter four, title 1, part 3, and sections 2747, 2848, 2849, 2850 and 3236 of the Revised Code of Alabama. Referred to Judiciary.

Nov. 26. To prohibit the sale of malt liquors in the vicinity of the town Bellefonte, in Jackson county. Referred to Local Legislation.

Dec. 8. For the relief of John T. Smith, of Jackson county. Referred to Local Legislation.

By MR. BROWN of Tuskaloosa—  
1873.

Nov. 20. To protect parents and guardians in their custody of minors. Referred to Judiciary.

Dec. 8. In relation to the fees of sheriffs for feeding prisoners.

By MR. BORD—  
1873.

Nov. 20. To amend section 3733 of the Revised Code. Referred to Judiciary.

Nov. 20. To amend section 2397 of the Revised Code. Referred to Judiciary.

Nov. 20. To amend section 2 of the act to incorporate the

By Mr. BOYD—Continued.

1872.

Nov. 29. Joint Resolution relating to the pay of the journal and recording clerks of the House, and allowing them additional per diem.

Dec. 1. To better secure the payment of the wages of mechanics and employees of railroads in this State. Referred to Judiciary.

Dec. 8. To prohibit liquor sales within one and one-half miles of Vernon, in the county of Sanford. Amended and referred to Local Legislation.

By Mr. BRUCE—

1873.

Nov. 20. To provide for holding special terms of the circuit courts of this State. Referred to Judiciary.

Nov. 20. To regulate the trial of attachment cases. Re-town of Guntersville, tn Marshall county. Passed.

ferred to Judiciary. Report favorable, with an amendment, and bill passed, December 3.

Nov. 20. To repeal an act to regulate the fees of notaries public of Wilcox county. Passed.

Nov. 20. Joint resolution requesting and instructing our Senators and Representatives in Congress to use their influence to secure to the State of Alabama what is due her upon a claim of five per cent. upon the value of public lands located in this State by military bounty land warrants. Adopted.

Nov. 29. (Reported.) To establish revenue laws for the State of Alabama. Ordered to be printed, and made special order. Amended and passed, December 6.

Nov. 29. To induce and encourage immigration to the State of Alabama, and to provide for an appropriation therefor. Referred to Ways and Means. Report favorable, December 10.

Dec. 2. (Reported.) To fund the domestic debt of this State. Made special order until disposed of.

Dec. 8. To authorize the commissioners' court of Wilcox county to prefer all claims against the county on account of providing for the comfort and health of prisoners. Passed.

By Mr. CHAPMAN—  
1873.

Dec. 8. In relation to the fine and forfeiture fund of Clarke county. Referred to Finance.

By Mr. CARSON—  
1873.

Nov. 20. To repeal the act forbidding liquor sales within four miles of Hopewell Church and Magnolia Academy, in Lowndes county. Referred to Local Legislation.

By Mr. CLARKE of Barbour—  
1873.

Nov. 18. To repeal section 2 of the act in relation to the issue of county bonds in aid of any railroad in this State, approved February 17, 1871, so far as the same relates to Barbour county. Referred to Internal Improvements. Report adverse and concurred in, November 22.

Nov. 18. For the protection of agricultural laborers. Referred to Judiciary. Report adverse and concurred in, November 22.

Nov. 24. To establish a voting precinct at Kilpatrick's Store, Scroggins' beat, in Barbour county. Referred to Local Legislation.

Nov. 24. To amend the act incorporating the town of Clayton, in Barbour county. Referred to Corporations.

Nov. 24. For the relief of the treasurer of Barbour county. Referred to Finance.

Nov. 24. To authorize Shadrock Johnson to peddle in the counties of Barbour, Bullock, Henry and Dale. Amended, and referred to Ways and Means.

Dec. 8. To consolidate the fine and forfeiture fund with the general fund of Barbour county. Referred to Finance.

By Mr. CLARKE of Perry—  
1873.

Nov. 21. To prevent judicial officers from acting as receivers. Referred to Judiciary.

By Mr. CRAWFORD—  
1873.

Dec. 8. For the relief of Giles Kelly of Coosa county.  
Passed.

By Mr. COCKRELL—  
1873.

Nov. 19. To amend an act to regulate elections in the State of Alabama, approved April 22, 1873. Ordered to second reading. Referred to Judiciary November 20. Report adverse and concurred in November 22.

Nov. 19. Petition and memorial in the contest between T. C. Elliott and J. A. Slater. Referred to Privileges and Elections.

Dec. 8. To incorporate the Eutaw Fire Company in the town of Eutaw, Alabama. Referred to Corporations.

By Mr. COCHRAN—  
1873.

Dec. 16. To amend the act establishing a new charter for the city of Selma. Laid on the table.

By Mr. CLOPTON—  
1873.

Nov. 18. To regulate the sale of property under power of sale in mortgage or deed of trust. Referred to Judiciary. Report adverse and concurred in November 25.

Nov. 18. To authorize W. K. Parmer, administrator of the estate of Joseph N. Parmer, deceased, late of Barbour county, to sell the lands of said estate, at private sale. Passed.

Nov. 18. To prevent liquor sales in four miles of Good Hope Church, in Butler county. Referred to Local Legislation.

Nov. 22. Relative to contracts for fertilizers. Referred to Judiciary.

By Mr. CLOUD—  
1873.

Nov. 20. To repeal the \$4,000 per mile bill. Referred to Ways and Means. Recommitted to Judiciary November 26.

By MR. CLOUD—Continued.

1873.

- Nov. 20. To suspend the operation of section two of an act approved February 21, 1866. Referred to Judiciary.
- Nov. 28. For the relief of the tax assessor of Montgomery county. Referred to Local Legislation.
- Nov. 28. To amend the act to re-enact and amend the act chartering the Alabama Savings Bank of Montgomery. Referred with an amendment, to Finance.
- Nov. 28. To protect the citizens of Alabama from the dangers of burning fluids, kerosene oils, &c. Referred to Judiciary.
- Dec. 8. For the relief of Mrs. Mary Ann Taylor, of Montgomery county. Referred to a Select Committee. Report favorable and bill passed, December 10.
- Dec. 8. To amend the Election laws so as to provide for the election of members of the Board of Education. Referred to Judiciary.

By MR. CORSBIE—

1873.

- Nov. 24. For the relief William Dickson, of Colbert county. Referred to Local Legislation.

By MR. COWAN—

1873.

- Nov. 22. To provide food and clothing for the convicts in the penitentiary. Referred to Ways and Means. Report favorable and bill ordered to a third reading, December 10. Amended and passed December 13.
- Dec. 8. To prevent tax collectors and all other collectors of State revenue from speculating in State warrants, State certificates, &c. Referred to a select committee. Report favorable, with amendments, and further amended December 9. Amended and passed December 11.

By MR. DAVIS—  
1873.

- Dec. 8. To establish a new charter for the town of Midway in the county of Bullock. Referred to Local Legislation.
- Dec. 8. To prohibit liquor sales within two miles of Mt. Hilliard Church in Bullock county. Passed.
- Dec. 8. To regulate the terms of the circuit court of Bullock county. Referred to Judiciary.
- Dec. 8. To provide for the election of attorneys to represent the State in each judicial circuit. Referred to Judiciary.
- Dec. 8. To repeal an act entitled an act to provide for the annexation of West Florida to the State of Alabama, with the assent of the State of Florida and the Congress of the United States. Laid on the table.
- Dec. 8. To amend section twelve of the act to establish a criminal court for Bullock county, with civil and criminal jurisdiction. Referred to Judiciary.

By MR. DRAXLER—  
1873.

- Dec. 8. For the relief of James J. Neno of Mobile county. Referred to Judiciary.

By MR. DONOHO—  
1873.

- Nov. 20. To exempt millers from working on public roads in Tuskaloosa county. Referred to Local Legislation.
- Nov. 20. To amend the charter of Greenville. Referred to Corporations. Report favorable, but bill recommitted, November 26.
- Dec. 8. To allow compensation to the tax assessor of Tuskaloosa county, for making a copy of the book of assessment required by law. Passed.

By MR. DOTSON—  
1873.

- Nov. 20. For the relief of Philander Harker of Sumter county. Referred to Local Legislation.



By MR. DOTSON—Continued.  
1873.

Dec. 8. To better protect freights and baggage while in transit on railroads and steamboats in this State. Referred to Judiciary.

By MR. DOZIER—  
1873.

Nov. 22. To provide for an increase of pay to the county commissioners of Perry county. Passed.

By MR. DUSTAN—  
1873.

Nov. 20. Relative to section 73 of the Revised Code, and certain services rendered thereunder. Referred to Judiciary. Substitute reported and passed, December 3.

Nov. 21. To authorize J. D. Alexander and William L. Anderson to divide, or sell for a division, certain lands belonging to the estate of J. M. Anderson, deceased. Referred to a select committee. Report adverse, but recommit-  
ted, November 22.

Nov. 28. For the benefit of appellees in cases of appeal in the supreme court of Alabama. Referred to Judiciary.

Nov. 28. To better secure the payment of printers' fees for publishing legal notices. Referred to Judiciary.

Dec. 2. To amend the act authorizing the issue of State certificates by the Governor. Referred, with amendments, to Ways and Means. Report adverse, and laid on the table, December 6.

By MR. ELLIOTT—  
1873.

Nov. 20. To amend section 4346 of the Revised Code. Referred to Judiciary.

Nov. 20. To fix the time of holding circuit courts in the 10th judicial circuit. Referred to Judiciary.

Nov. 20. To remove administration of the estate of John W. Jones, deceased, from St. Clair county to the probate court of Shelby county. Referred to Local Legislation.

By MR. ELLIOTT—Continued.  
1873.

Dec. 8. To authorize D. R. Leonard, administrator of J. G. Leonard, deceased, to sell the lands of said estate, at private sale, without an order of court. Passed.

By MR. ELLSWORTH—  
1873.

Dec. 8. For paying the bailiffs of Montgomery county out of the general fund of said county. Referred to Local Legislation.

By M. FANTROY—  
1873.

Nov. 18. To prevent and punish frauds. Referred to Judiciary. Report adverse, and concurred in, November 22.

Nov. 18. To prevent frauds upon the public money. Referred to Judiciary.

Nov. 21. To repeal sections 1858, 1859, and 1860 of the Revised Code of Alabama. Referred to Judiciary.

Nov. 24. To increase the revenue of this State. Referred, with amendment, to Ways and Means.

Dec. 8. Joint resolution instructing our representatives in Congress to examine a bill for the financial relief of the reconstructed States, and to support it, if they should find it to be calculated to benefit the said States. Referred to a select committee.

Dec. 8. To amend section 3949, chapter 3, of the Revised Code of Alabama. Referred to Judiciary.

By MR. FRANKLIN—  
1873.

Dec. 8. To amend section five of the act to amend the corporation laws of Alabama, approved August 12, 1868. Referred to Internal Improvements.

By MR. GALASPIE—  
1873.

Nov. 18. To amend the act fixing the time of holding courts in the fifth judicial circuit. Referred to Judiciary.

By MR. GALASPIE—Continued.

1873.

- Nov. 18. To repeal an act in relation to the fine and forfeiture funds of Tuskaloosa and other counties, so far as the same relates to Blount county. Amended and referred to Local Legislation.
- Nov. 24. To compel certain persons in Blount county to work on the public roads in said county. Referred, with amendments, to Judiciary.
- Dec. 8. To regulate the fees of justices of the peace, constables, and notaries public of Blount county, and to provide for the payment of the same. Amended and referred to Fees and Salaries.

By MR. GREENE of Hale—

1873.

- Nov. 19. Joint resolution that the Finance Committees of each House report, by bill or otherwise, some plan by which the Patton money may be put in circulation. Adopted.
- Nov. 26. To provide a suitable house for paupers in the county of Hale. Referred to Local Legislation.
- Dec. 8. To define the rights and privileges of the Union Fishing and Salt Manufacturing Company of Alabama. Referred to a select committee. Report favorable, and bill made special order, December 13.

By MR. GREENE of Jefferson—

1873.

- Nov. 22. To amend subdivisions 4 and 5 of section 2928 of the Revised Code of Alabama. Referred to Judiciary.
- Nov. 22. To prohibit liquor sales within three miles of Enon Presbyterian Church in Jefferson county. Passed.
- Dec. 8. To enable the Alabama Coal and Navigation Company to make certain connections and to invest more capital in railroads. Referred to Internal Improvements.
- Dec. 10. To prohibit liquor sales within two and a half miles of the Pierce Coal Mines in section 12,

By MR. GREENE of Jefferson—  
1873.

township 14, range 3, west, and also within two and a half miles of the New Castle Coal Mines in Jefferson county. Passed.

By MR. GRESHAM—  
1873.

Dec. 8. For the relief of W. C. Witherington, late tax collector of Greene county. Passed.

By MR. GOLDSBY—  
1873.

Nov. 26. To compensate the sheriff of Dallas county for summoning witnesses to appear before the grand jury. Referred to Ways and Means.

Dec. 8. For the relief of certain persons therein named. Referred to Local Legislation.

By MR. HAMILTON—  
1873.

Dec. 8. In relation to the fine and forfeiture fund of Marion county. Passed.

By MR. HANNON—  
1873.

Nov. 22. To prohibit liquor sales outside of all incorporated cities and towns in the State of Alabama. Laid on the table, with sundry amendments.

Dec. 8. To authorize the levying of a special tax to pay off the indebtedness of Elmore county. Passed.

By MR. HOWELL—  
1873.

Nov. 21. To amend section 2349 of the Revised Code of Alabama. Referred to Fees and Salaries.

Dec. 8. To fix the time for holding the chancery court of the county of Cleburne. Passed.

By MR. HUNTER—  
1873.

Nov. 28. To confirm the sale of certain lands therein named, made by Anna Whitten to Charles

By MR. HUNTER—Continued.

1873.

N. Whitten of Lowndes county. Referred to Judiciary.

- Dec. 13. To authorize the stockholders of the Eureka Mining & Manufacturing Company to change the name of said company. Passed.

By MR. JOHNSON—

1873.

- Nov. 24. To amend section 4062 of the Revised Code. Referred to Judiciary.

- Dec. 8. For the relief of Hamilton White, late tax collector of Dallas county. Referred to Ways and Means.

By MR. JONES of Lee—

1873.

- Dec. 2. To enlarge the duties of the Private Secretary of the Governor. Referred to Capitol.

- Dec. 2. To amend section one of an act for the encouragement of mining, manufacturing, industrial, agricultural, and commercial pursuits in the State of Alabama. Referred to Agriculture.

- Dec. 2. For the protection of plantations and lands against the depredations of stock, in the counties of Lee and Chambers. Referred to a select committee.

- Dec. 2. To prohibit liquor sales within two miles of Yonkesboro, and within one and a fourth miles of Chewacla Lime Works in Lee county. Passed.

- Dec. 2. To authorize the City Council of Opelika to issue bonds and certificates. Referred to Finance.

- Dec. 6. (Reported) to regulate the feeding and custody of persons confined in jail for violation of the laws of this State. Ordered to be printed and made special order. Substitute adopted and referred to a select committee. December 13. Report favorable and bill passed December 16.

- Dec. 8. To amend section 2960 of the Revised Code of Alabama. Referred to Judiciary.

By Mr. JONES of Madison—  
1873.

Nov. 28. To require the commissioners court of Madison county to open a public road. Referred to Public Roads and Highways.

By Mr. KELLY—  
1873.

Nov. 28. To authorize E. L. Little, administrator of the estate of J. P. Little, deceased, to compromise a suit pending against her intestate's estate. Referred to Judiciary.

Nov. 28. To establish a voting precinct at Camp Spring, in precinct 3, of Walker county. Passed.

Nov. 28. To enable the minor grand children of James M. Kitchens, Sr., deceased, to sell and convey their interest in the lands deeded to them by John Brown, of Walker county. Referred to Judiciary.

Dec. 8. To authorize Mrs. L. Handy, widow of James Handy, deceased, late of Walker county, to erect a dam across Mulberry river. Referred to Local Legislation.

By Mr. LAMB—  
1873.

Nov. 21. To amend section 4054 of the Revised Code. Referred to Judiciary.

Nov. 21. To amend section 3937 of the Revised Code. Referred to Judiciary.

Nov. 21. For the protection of game in Lawrence county. Referred to Local Legislation.

Nov. 21. To amend an act to prevent the wanton destruction of fish in the State, so far as relates to Limestone county. Referred to Local Legislation.

Nov. 28. To authorize Charles H. Hollingsworth, of Limestone county, to peddle in said county without license. Referred to Ways and Means.

By Mr. LAWRENCE—  
1873.

Nov. 21. To compel certain railroad companies to report the condition of their affairs to the Auditor

By MR. LAWRENCE—Continued.  
1873.

- of public accounts. Referred to Judiciary. Report adverse and laid on the table, November 25.
- Nov. 24. To promote the safety of travellers upon railways in this State. Referred to Internal Improvements.
- Dec. 8. To amend section 748 of the Revised Code. Referred to Judiciary.
- Dec. 8. To prohibit liquor sales within four miles of Round Mountain Iron Works and Coaling Grounds, in Cherokee county. Amended and passed.
- Dec. 10. To prohibit liquor sales within two miles of Gaylesville High School, in Cherokee county. Amended and passed.
- Dec. 12. To authorize the holding of a special term of the circuit court of Etowah county, for the trial of the case of the State of Alabama vs. William Hall, indicted for murder. Passed.

By Mr. LEE—  
1873.

- Dec. 8. To authorize the courts in the State of Alabama to be held in the absence of the judges and chancellors. Referred to Judiciary.

By Mr. LEVEY—  
1873.

- Nov. 20. To provide for digesting and revising the general laws of Alabama. Referred to Judiciary.
- Nov. 20. To abolish the office of State printer and for other purposes. Referred to Printing.
- Nov. 22. To repeal section two of an act to authorize the county of Montgomery to issue bonds. Referred to Ways and Means.
- Nov. 22. To authorize probate judges to publish quarterly exhibits of liens, mortgages and other recorded evidences of indebtedness. Referred to Judiciary.
- Dec. 8. To extend the operations of the Montgomery stock law five miles beyond the present limits. Referred to Local Legislation.

By Mr. LOVVORN—  
1873.

- Nov. 22. For the protection of bridges and mills in the State of Alabama. Referred to Judiciary.  
Nov. 22. To repeal section 1374 of the Revised Code of Alabama, so far as the same relates to the county of Randolph. Passed.  
Dec. 8. To provide for compensating certain services of county treasurers. Referred to Fees and Salaries.

By Mr. McAFEE—  
1873.

- Nov. 19. To provide for the redemption of State certificates and the funding of State warrants. Referred to Ways and Means.  
Nov. 20. To made Coosa river a lawful barrier against stock. Referred to County Boundaries.  
Nov. 25. To amend the act to prohibit liquor sales within one mile of Choccolocco bridge on the Truss' Ferry road, in Talladega county. Passed.  
Dec. 5. Joint resolution authorizing the payment of the messenger of the House. Judiciary Committee. Passed.  
Dec. 8. Joint resolution appropriating three hundred and twenty-five dollars for the purchase of a safe for the office of the Secretary of State. Passed.

By Mr. McCASKIE—  
1873.

- Nov. 28. To repeal a portion of the act increasing the per diem of the commissioners in certain counties, so far as the same relates to the county of Wilcox. Referred to Local Legislation.  
Dec. 8. To amend section 859 of the Revised Code of Alabama. Referred to Judiciary.

By Mr. McHUGH—  
1873.

- Dec. 10. To define the liability of persons living in the town or village of Whistler, in Mobile county, to do public road duty. Passed.



By Mr. MANCILL—  
1873.

- Nov. 21. To repeal the act consolidating the offices of tax assessor and tax collector of Covington county. Passed.
- Nov. 21. To authorize the commissioners' court of Covington county to levy a special tax for the payment of grand and petit jurors. Passed.
- Nov. 24. To establish a toll bridge across the Conecuh river, in Covington county. Referred to Public Roads and Highways.
- Dec. 1. To establish a chancery court for Covington county. Referred to Judiciary.

By Mr. MANNING—  
1873.

- Dec. 8. Joint resolution to provide for the printing, distribution and preservation of certain journals therein named. Amended and passed.

By Mr. MATHEWS—  
1873.

- Nov. 24. To protect and encourage farming in this State. Laid on the table.
- Nov. 24. Joint resolution to adjourn the General Assembly to the city of Opelika. Laid on the table.

By Mr. MAULL—  
1873.

- Nov. 20. To repeal the act forbidding liquor sales within one and a half miles of Sandy Ridge, in Lowndes county. Referred to Local Legislation.
- Nov. 20. To amend the act regulating the fees of notaries public and justices of the peace, No. 116, approved April 19, 1873. Referred to Fees and Salaries.

By Mr. MERRIWETHER—  
1873.

- Nov. 20. To repeal the act establishing the court of quarter sessions of Wilcox county. Passed.

By Mr. Moss—  
1873.

- Nov. 28. To encourage the growing of hedges in the State. Referred to Accounts and Claims.  
Nov. 28. For the relief of James W. Steel of Madison county. Referred to Accounts and Claims.

By Mr. MURPHREE—  
1873.

- Nov. 20. To repeal section 5 of an act exempting property from levy and sale. Referred to Judiciary.  
Nov. 20. To curtail the expense of administering upon small estates. Referred to Judiciary.  
Nov. 20. To amend section 3326 of the Revised Code. Referred to Judiciary. Report favorable, and bill ordered to a third reading November 22.  
Nov. 20. To allow constables in certain cases to receive the same compensation as sheriffs. Referred to Judiciary.  
Nov. 20. To prevent malicious mischief. Referred to Judiciary.  
Nov. 20. To repeal section 3549 of the Revised Code. Referred to Judiciary.  
Nov. 20. To define ex-officio fees of the judge of probate and circuit clerk of Pike and Crenshaw counties. Referred to Judiciary.  
Nov. 28. To amend section 3517 of the Revised Code. Referred to Fees and Salaries.  
Nov. 28. To authorize the redemption of lands sold for taxes and purchased by the State. Referred to Judiciary.  
Nov. 28. To prevent the removal of cotton, corn and other plantation produce from the premises of the landlord before the payment, or a legal tender of the payment, of the rents due. Referred to Judiciary.  
Nov. 28. Authorizing and defining the compensation of the board of equalization of Pike county. Passed.  
Nov. 28. To amend section 2 of an act amending the act authorizing the commissioners court of Pike county to levy and collect a tax to pay bridge claims, &c. Passed.

By MR. MURPHREE—Continued.  
1873.

- Nov. 28. To amend section 1 of an act to restrict the sale of personal property in certain cases, and to amend the caption thereof. Referred to Judiciary.
- Nov. 28. To authorize Mrs. Narcissa Dickey, widow of Thomas Dickey, deceased, to sell lands belonging to the estate of her husband. Referred to Judiciary.
- Nov. 28. To authorize Mrs. Mary Quattlebaum, widow of Wilkes Quattlebaum, to sell lands belonging to the estate of her husband. Referred to Judiciary.
- Nov. 28. To amend section 1324 of the Revised Code of Alabama. Referred to Judiciary.

By MR. MUSGROVE—  
1873.

- Nov. 22. To lay off the county of Fayette into four commissionets districts. Referred to Local Legislation.
- Nov. 26. To incorporate the town of Vernon, in the county of Sanford. Referred to Corporations.
- Nov. 28. To amend section 4 of the exemption act of April 23, 1873. Passed.

By MR. PARSONS—  
1873.

- Nov. 17. Joint resolution instructing the Senators and requesting the Representatives of Alabama in the Congress of the United States to support an amendment to the currency act, by which holders of bonds may demand and receive payment in greenbacks, and holders of greenbacks may purchase bonds *ad libitum*. Referred to Select Committee November 18.

By MR. PATTERSON of Autauga—  
1873.

- Dec. 6. To amend section 110 of the revenue laws of December 31, 1868. Referred to Ways and Means.

By MR. PATTERSON of Autauga—Continued.

1873.

Dec. 6. To provide for the support of the Freedman's Hospital, located near Talladega, Alabama. Passed unanimously.

By Mr. PURCELL—

1873.

Nov. 21. To authorize Angus McAllister, administrator of A. J. McAllister, deceased, to sell lands and personal property belonging to said estate. Referred to a select committee. Substitute reported and passed November 26.

By MR. REID—

1873.

Nov. 20. To amend the act relating to fences in Sumter and Pickens counties. Referred to Local Legislation.

By MR. RENFROE—

1873.

Nov. 24. To change the boundary line between the counties of Calhoun and Cleburne. Passed.

Dec. 10. To amend sections 1314 and 1317 of the Revised Code, so far as the same relates to Calhoun county. Passed.

By MR. SLATER—

1873.

Nov. 21. To amend section 652 of the Revised Code of Alabama, so far as relates to the county of Choctaw. Passed.

Nov. 22. To prohibit liquor sales within two and a half miles of Choctaw Camp Ground, at certain times therein named. Passed.

Nov. 24. To repeal the act in relation to the fine and forfeiture fund of Tuskaloosa and other counties therein named, so far as the same relates to the county of Choctaw. Amended with Blount county, and passed.

Nov. 26. To repeal the act prohibiting liquor sales within two miles of Mt. Sterling, in Choctaw county. Referred to Local Legislation.

BY MR. STALLWORTH—  
1873.

- Nov. 21. To repeal the act amending section 1323 of the Revised Code, approved February 13, 1872. Referred to Judiciary.
- Nov. 21. To legitimate the children of Anna Jones, born before her marriage with Josiah Jones, of Covington county. Passed.
- Nov. 21. For the protection of agriculturists in the counties of Conecuh, Monroe, Henry, Clarke, Butler, Pike and Choctaw. Amended and made special order.
- Nov. 24. To change the line between the counties of Covington and Conecuh. Referred to Counties and County Boundaries.
- Nov. 24. To regulate the payment of county taxes in Conecuh county. Amended and referred to Finance. Report favorable with an amendment and further amended, December 5.
- Nov. 24. To lay off the county of Conecuh into four commissioners districts. Passed.
- Dec. 5. To amend the act authorizing the commissioners court of Conecuh county to levy a special tax of fifty per cent. on the State tax in said county, in addition to the tax now authorized to be levied for the payment of grand and petit jurors and registered claims against said county. Passed.
- Dec. 5. To incorporate the town of Brewton, in the county of Escambia. Referred to a Select Committee of Five.

BY MR. SPEED—  
1873.

- Nov. 18. To provide medical attention for the poor and destitute within one mile of the corporate limits of Union Springs. Read twice.

BY MR. STEEL OF MADISON—  
1873.

- Nov. 20. To repeal section 1374, article one, of the Revised Code so far as the same relates to the county of Madison. Referred to Judiciary.

By MR. STEEL of Madison—Continued.

1873.

Nov. 21. To provide against the evils resulting from the sale of spirituous and intoxicating liquors in the State of Alabama. Laid on the table and printed.

By MR. SIMPSON—

1873.

Nov. 25. To regulate the disposition and management of the bequest made by James Wallace, deceased, late of Lawrence county, for the benefit of free public schools in township seven, range nine, west, of said county. Passed.

Nov. 25. To amend the act to secure complete records in the courts of this State. Referred to Judiciary.

Nov. 25. To authorize the probate judge of Lawrence county to appoint William K. Wallace, guardian of his children. Referred to Judiciary.

Nov. 25. Joint Resolution to amend the Constitution of the State by striking out so much and such parts thereof as establish the Board of Education. Ordered to a second reading. Read second and referred to Select Committee, November 28.

Nov. 25. To amend the constitution by striking out sections one and two of article 14. Ordered to a second reading. Read second time and ordered to a third reading, November 28.

Nov. 25. To amend the constitution so as to make legislative sessions biennial instead of annual. Ordered to a second reading.

Nov. 25. For the protection of the farmers and stock-owners. Referred to Ways and Means.

Nov. 25. To authorize the commissioners court of Lawrence county to levy a tax on all dogs in said county. Referred to Education.

Nov. 25. For the protection of farmers and stockraisers in Lawrence county. Referred to Ways and Means.

Nov. 26. To authorize the issue of six per cent interest bearing State certificates to the amount of

By MR. SIMFSON—Continued.

1873.

one million dollars. Referred with an amendment to Finance.

Nov. 28. To incorporate the town of Courtland, Lawrence county. Ordered to a third reading. Amended and passed December 6.

By MR. SMITH OF MORGAN—

1873.

Nov. 20. For the relief of Jane Edwards of Morgan county. Referred to Judiciary.

Nov. 20. For the relief of Mary, Alice and Margaret Ann Turney, of Morgan county. Referred to Judiciary.

Nov. 20. To allow W. S. Turrentine to sell certain lands. Referred to Judiciary.

Nov. 20. To require the probate judge of Morgan county to hold special terms of his court at the town of Decatur. Postponed indefinitely.

Nov. 20. To establish an inferior court of record in the town of Decatur. Postponed indefinitely.

Nov. 22. To prohibit liquor sales within three miles of Piney Grove Christian Church and school in Morgan county. Passed.

Nov. 28. To remove the administration of the estate of Z. F. Freeman, deceased, from the probate court of Morgan county to the probate court of Lawrence county. Referred to Local Legislation.

By MR. SMITH OF TALLAPOOSA—

1873.

Nov. 20. To prohibit the sale of liquor within one mile of Camp Hill Church. Referred to Local Legislation.

Nov. 26. To increase the Public School Fund of this State. Referred with amendments to Education.

By MR. STRIBLING—

1873.

Nov. 20. For the relief of B. S. Collins, sheriff of Washington county. Referred to Judiciary.

By MR. STRIBLING—Continued.  
1873.

- Nov. 20. For the relief of B. L. Worsham, of Washington county. Referred to Judiciary.
- Nov. 28. For the relief of Thomas H. Bailey, of Washington county. Passed.
- Nov. 28. To establish two new election precincts in Washington county. Passed.

By MR. STONE—  
1873.

- Nov. 26. To regulate the taxation of insurance companies by municipal corporations. Referred to Judiciary.
- Nov. 28. To secure justices of the peace and notaries public their fees in certain cases. Referred to Fees and Salaries.
- Nov. 28. For the relief of the solicitor of Pickens county. Referred to Local Legislation.
- Nov. 28. For the relief of Mary A. Stratton of the county of Pickens. Referred to Judiciary.

By MR. TAYLOR of Lauderdale—  
1873.

- Nov. 19. To amend section 4 of an act entitled "An act to regulate property exempt from sale for the payment of debts." Ordered to second reading. Referred to Judiciary, November 20. Report favorable, with an amendment, and bill passed December 2.
- Nov. 19. To authorize the payment by the tax collector of Lauderdale county to pay the appropriation made for the normal school at Florence. Read once. Read second time and referred to Education, November 20.
- Nov. 20. To amend section one of an act amendatory of sections 3100, 3102 and 3104 of the Revised Code. Referred to Judiciary.
- Nov. 26. To secure a more thorough assessment of the real property in this State. Referred to Ways and Means. Report favorable, and bill passed December 10.
- Nov. 26. To amend section 7 of the act "to keep in each county of the State a proportionate share of



By MR. TAYLOR of Lauderdale—Continued.

1873.

the public school money," approved April 19, 1873. Passed.

Dec. 9. To provide for the payment of the domestic debt of the State. Laid on the table.

By MR. TAYLOR of Sumter—

1873.

Nov. 20. To regulate trespassing of stock in Sumter county. Referred to Local Legislation.

Nov. 28. To prevent licensed ferrymen from making extortionate charges. Referred to Roads and Highways.

By MR. THREAT—

1873.

Nov. 29. Making appropriations for the fiscal year ending 30th September, 1874. Referred, with amendment, to Ways and Means. Report favorable, and bill passed December 10.

By MR. TREADWELL—

1873.

Nov. 20. To repeal an act establishing a criminal court for Russell county. Referred to Judiciary. Substitute reported and passed December 2.

Nov. 20. To define by name voting precincts of Russell county. Referred to Local Legislation.

By MR. THOMAS—

1873.

Nov. 20. To provide for the issuance, circulation and redemption of State certificates. Referred to a joint committee.

Nov. 20. For the protection of employees and laborers on railroads. Referred to Internal Improvements.

Nov. 20. To regulate the enclosure of stock in portions of Hale, Marengo and Perry. Referred to a select committee of members from said counties.

Nov. 22. For the relief of W. B. Jones, of Marengo county. Amended and referred to Judiciary.

By MR. THOMAS—Continued.  
1873.

Nov. 24. Joint resolution in relation to memorializing Congress on the subject of Education. Adopted.

By MR. WHATLEY—  
1873.

Nov. 28. To amend section 3612 of the Revised Code of Alabama. Referred to Judiciary.

Nov. 28. To amend section 3579 of the Revised Code of Alabama. Referred to Judiciary.

By MR. WALKER—  
1873.

Nov. 19. To protect the citizens of this State in the enjoyment of their rights. Ordered to second reading. Reconsidered, and bill ordered to second reading on to-morrow, and made special order. Referred to Judiciary November 20. Report favorable by a majority of committee, and the minority reported objections, and bill made special order, and ordered to be printed, November 26.

Nov. 26. To repeal the act of February 16, 1871, amending the charter of the city of Selma, and to re-enact section 7 of the charter of said city. Referred to Corporations.

By MR. WEATHERFORD—  
1873.

Nov. 26. For the relief of the widow and minor heirs of William Matthews, late of Franklin county, deceased. Referred to Judiciary.

Nov. 26. To regulate the publication of legal notices in the county of Franklin. Referred to Public Printing.

By MR. WHITE—  
1873.

Nov. 22. To authorize contracts for the use or loan of money to the amount of fifteen per cent. Judiciary.

Nov. 22. Joint resolution to amend the constitution so far as relates to the public school system of

By MR. WHITE—Continued.  
1873.

- the State. Ordered to a second reading.  
Read second time and referred to select committee, November 28.  
Nov. 28. To amend section 758 of the Revised Code.  
Referred to Judiciary.

By MR. WILKINSON—  
1873.

- Nov. 22. To amend section 4 of an act to regulate property exempt from levy and sale for the collection of debts. Referred to Judiciary. Report favorable, with an amendment, and bill passed, December 3.  
Nov. 22. To establish a new precinct in beat number 11, to be known as beat number 14, in Dale county. Passed.

By MR. WILLIAMS of Barbour—  
1873.

- Nov. 18. To define the duties and fix the responsibility and compensation of warehouses and places of like kind. Referred to Judiciary. Report adverse and concurred in, November 25.  
Nov. 18. For the relief of George Webb, of Barbour county. Referred to Local Legislation.  
Nov. 18. To establish a new charter for the city of Eufaula. Referred to Corporations.  
Nov. 18. To repeal the act making Pea River a public highway, approved February 5, 1846. Referred to Public Roads and Highways.  
Nov. 24. To amend section 39 of the charter of the city of Eufaula. Referred to Corporations.

By MR. WILLIAMS of Montgomery—  
1873.

- Nov. 20. To create the office of recorder of deeds and mortgages in the county of Montgomery. Referred to Judiciary.  
Dec. 13. For the relief of the city of Montgomery. Passed.

I N D E X ,  
JOURNAL HOUSE OF REPRESENTATIVES  
SESSION 1873.

---

ABSENCE, LEAVE OF—

To Messrs. Anderson, 100.

Ash, 87.

Barrow, 44.

Boyd, 49.

Carson, 164.

Clarke of Perry, 76.

Crawford, 175.

Draxler, 176.

Davis, 76.

Dozier, 76.

Elliott, 44.

Franklin, 87.

Greene of Jefferson, 76.

Gresham, 125.

Goldsby, 49, 76.

Hamilton, 76.

Hannon, 134.

Howell, 20, 87.

Jones of Lee, 39, 49.

Lamb, 44.

# ABSENCE, LEAVE OF—Continued.

To Messrs. Lee, 76.

Lewis, 62.

Lovvorn, 87.

McAfee, 49.

Masterson, 76, 165.

Merriwether, 165.

Patterson of Autauga, 87.

Peddy, 134.

Purcell, 76.

Reese, 143.

Stallworth, 87.

Speed, 76.

Steel of Montgomery, 142.

St. Clair, 49, 76.

Smith of Bibb, 76.

Smith of Tallapoosa, 76.

Stribling, 44.

Treadwell, 44.

Vaughn, 100.

Weatherford, 76.

White, 100.

Williams of Montgomery, 76, 87, 100,  
143, 165.

# APPEALS, from decision of the chair—

By Messrs. Clarke of Perry, 229.

Dustan, 116.

Manning, 119.

# CREDENTIALS—

Of Mr. Smith of Dallas, 4.

# COMMITTEES—

Standing, 26, 86.

Select, 31, 37, 40, 44, 54, 112, 125, 157, 158,  
161, 162.

Joint Select, 4, 5, 29, 38, 61, 74, 86, 142.

# EMPLOYEES—

List of, 25.

# FUNDING BILL—

Consideration of, 126, 137, 170, 179, 186,  
204, 207.

## MEMORIALS—

Coon, D. E., 17.

Board of Education, 77.

## MESSAGES—

From the Governor, 5, 68, 88, 102, 117, 120,  
129, 153, 164, 169, 180, 190, 204, 210, 228.From the Senate, 4, 5, 22, 26, 28, 33, 42, 47, 55,  
58, 65, 83, 87, 99, 101, 110, 112, 117, 131, 135,  
153, 157, 158, 165, 166, 168, 169, 173, 178,  
184, 191, 200, 202, 210, 214, 230.

## MOTIONS.

## To AMEND—

By Messrs. Cloud, 15, 43, 81, 138.

Slater, 21, 53, 137.

Walker, 21, 37, 81, 195, 224.

Brown of Tuskalooza, 30, 180.

Dustan, 102, 116, 155.

Levey, 40, 64, 98, 137.

Boyd, 43, 68, 74, 111, 131, 137,  
174, 196, 206.

Donoho, 43, 46, 157.

Stribling, 43.

Mathews, 43, 132.

Broadnax, 43.

Lamb, 43.

Anderson, 43, 133, 141, 224, 227.

Taylor of Lauderdale, 46, 111,  
132, 154, 170, 177, 185.

Smith of Morgan, 46, 157, 197.

Cockrell, 46.

Wilkinson, 51, 198.

Millen, 51, 139.

Purcell, 51, 53.

McCoy, 51, 74, 172.

Johnson, 52, 226.

Galaspie, 53.

Barnett, 53, 132, 195.

Treadwell, 53.

Clarke of Perry, 53, 141, 176,  
177.

Murphree, 53, 196, 207.

Steel of Montgomery, 60.

Cochran, 82.

## MOTIONS—Continued.

## To AMEND—

By Messrs. McAfee, 98, 128, 131, 138.  
 Jones of Lee, 98, 154, 171, 194,  
 196.  
 White, 132, 142, 154, 195, 212.  
 Lee, 137.  
 Renfroe, 139.  
 Lawrence, 139, 205.  
 Threat, 229.  
 Stallworth, 196.  
 Masterson, 139.  
 Manning, 175, 209, 227.  
 McHugh, 141, 195, 209.  
 Greene of Hale, 175.  
 McCaskie, 141, 169.  
 Ellsworth, 175, 204.  
 St. Clair, 154, 224.  
 Bruce, 186, 204, 205, 206.  
 Brewer, 154.  
 Musgrove, 172.  
 Parsons, 155, 195, 196, 224.  
 Hannon, 172.  
 Howell, 158, 166.  
 Hunter, 171.  
 Clopton, 150.

## To POSTPONE INDEFINITELY—

By Messrs. Ellsworth, 46, 61.  
 Mathews, 298.

## To POSTPONE TO A CERTAIN DAY—

By Messrs. Anderson, 43, 62, 110.  
 White, 68.  
 Hunter, 117.  
 Boyd, 117, 177.  
 Clarke of Perry, 119.  
 Dustan, 137, 190.  
 Bruce, 176.  
 Merriwether, 178.

## To MAKE SPECIAL ORDER—

By Messrs. Dustan, 29, 190.  
 Anderson, 43, 62, 110.  
 Williams of Montgomery, 68.

## MOTION, TO MAKE SPECIAL ORDER—Continued.

By Messrs. Boyd, 137.  
Bruce, 176.

## TO ADJOURN—

By Messrs. Clarke of Perry, 24, 127.  
Ellsworth, 38, 44.  
Lewis, 49.  
Merriwether, 56, 62, 119.  
Anderson, 62.  
Slater, 76.  
Lovvorn, 86.  
Boyd, 110, 188.  
Dustan, 119, 155.  
Stribling, 120.  
McCaskie, 133.  
Goldsby, 142.  
Mathews, 231.  
Williams of Barbour, 165.  
White, 170.  
Cockrell, 182.

## TO LAY ON THE TABLE—

By Messrs. Cloud, 5.  
Merriwether, 15, 16, 60, 198.  
Boyd, 39, 170, 207.  
McAfee, 40, 81.  
Smith of Tallapoosa, 41.  
McCoy, 41.  
Stallworth, 229.  
Stribling, 46.  
Millen, 215.  
Ellsworth, 53.  
Treadwell, 213, 223, 226.  
Clarke of Perry, 57, 159, 197, 204,  
215, 227.  
Bruce, 206.  
Williams of Barbour, 60, 117.  
Lawrence, 204.  
Anderson, 68.  
Jones of Lee, 177, 224.  
McCaskie, 74.  
Hunter, 176.  
Cowan, 102, 154, 187, 207.



## MOTIONS, TO LAY ON THE TABLE—Continued.

By Messrs. Dustan, 174.  
 Barnett, 129.  
 Stone, 200.

## TO RECONSIDER—

By Messrs. Clarke of Perry, 27, 39.  
 Walker, 28.  
 Lewis, 39.  
 McCoy, 41, 223.  
 Levey, 111.  
 Jones of Lee, 176.  
 Stone, 200.  
 Merriwether, 227.

## TO PRINT—

By Messrs. Merriwether, 15.  
 St. Clair, 16.  
 Anderson, 68.  
 Cloud, 68.  
 McCaskie, 74.  
 McAfee, 81.  
 Cowan, 102.  
 Boyd, 223.

## PREVIOUS QUESTION—

By Messrs. Walker, 119.  
 McAfee, 127.  
 Parsons, 154.

## PROTEST—

By Messrs. Murphree, 225.  
 Renfro, 225.  
 Clopton, 225.  
 Broadnax, 225.  
 Musgrove, 225.  
 Smith of Tallapoosa, 225.  
 Vaughn, 225.

## REPORTS OF STANDING COMMITTEES—

## JUDICIARY—

By Messrs. McAfee, 48, 58, 66, 126.  
 Boyd, 67.

## WAYS AND MEANS—

By Mr. Bruce, 75, 99, 101, 116, 155, 174, 175.

## CORPORATIONS—

By Mr. White, 74.

## FINANCE—

By Mr. Barnett, 137, 155.

## ENROLLED BILLS—

By Mr. Lawrence, 52, 113, 134, 171, 183, 193,  
207, 212.

## REPORTS OF SELECT COMMITTEES—

By Messrs. McAfee, 48.

Lawrence, 48, 49.

McCoy, 56, 213.

Anderson, 75, 212.

Taylor of Lauderdale, 99.

Bruce, 126.

Jones of Lee, 143.

McCaskie, 166, 177.

Cloud, 172.

Manning, 183.

Stone, 190.

Thomas, 193.

Hunter, 209.

Clarke of Perry, 213.

Parsons, 215.

Brown of Jackson, 215.

## RESOLUTIONS—

By Messrs. Mathews, 4.

Thomas, 4, 24.

Dustan, 4, 26.

Boyd, 15, 142.

Murphree, 16, 63.

Hunter, 17, 63, 74.

Clopton, 21.

Threat, 25.

Walker, 26.

Cockrell, 26.

Greene of Hale, 26.

McAfee, 30.

McCoy, 31, 54.

McCaskie, 37.  
 Howell, 44.  
 Bruce, 63.  
 Barnett, 74, 82.  
 Patterson of Autauga, 82.  
 Taylor of Lauderdale, 84.  
 Taylor of Sumter, 87.  
 Jones of Lee, 98.  
 Manning, 207.

REVENUE BILLS, CONSIDERATION OF—  
 131, 154, 155.

SENATE BILLS, CONSIDERATION OF—  
 37, 40, 85, 98, 128, 138, 157, 163, 184,  
 190, 196, 209, 211, 226.

YEAS AND NAYS—  
 27, 28, 39, 60, 61, 116, 118, 119, 128,  
 159, 184, 186, 187, 194, 198, 199,  
 204, 206, 207, 211, 223, 229.

ERRATUM—On page 237—the words “Town of Gun-  
 tersville in Marshall county—Passed” where they occur  
 in act introduced by Mr. Bruce “to regulate the trial of  
 attachment cases,” &c., should be read as the bottom  
 lines of page 236.

OFFICE OF SECRETARY OF STATE, )  
FEBRUARY 26, 1874. }

Whatever inaccuracies and omissions that may be discovered in the foregoing Journal of the House of Representatives, must be attributed to the copy furnished by the Clerk of the House. In some instances, there is a failure to set out the language of amendments offered by members, while in others, the ayes and noes, taken upon questions, are omitted. The Secretary of State delivers to the State printer, only the copy of the Journal which the Clerk is required to prepare and for which he is compensated. This explanation is made to prevent any unjust criticism or censure upon this office.

NEANDER H. RICE,  
Sec'y. of State.

**OFFICERS AND MEMBERS**  
OF THE  
**GENERAL ASSEMBLY OF ALABAMA,**  
**SESSION 1873.**

---

NAME.	POSTOFFICE.	COUNTY.
McKinstry, A., Lt. Governor and President...	Mobile .....	Mobile.
Woods, M. L., Secretary..	Birmingham...	Jefferson.
Garrett, B. F. Ass't Sec'y.	Bradford .....	Coosa.
Chardavoyne, W. V., Engrossing Clerk.....	Montgomery...	Montgomery.
Chardavoyne, L. B., As't "	Montgomery	Montgomery.
Taylor, Thomas, Assistant Engrossing Clerk..	Opelika .....	Lee.
Graham, J. H., Enrolling Clerk .....	Marion. ....	Perry.
Clanton, W. H., Assistant Enrolling Clerk...	Montgomery...	Montgomery.
Clarke, R. C., Door-Keeper.	Wetumpka....	Elmore.
Woods, A. P., Page.....	Birmingham...	Jefferson.
Hails, C., Page.....	Montgomery...	Montgomery.
Sykes, S., Page.....	Montgomery...	Montgomery.
Cothrun, W., Page.....	Centre .....	Cherokee.
Black, Jacob, ... Senator..	Eufaula .....	Barbour.
Carmichael, J. M.. "	Ozark .....	Dale.
Cobb, R. W. .... "	Helena .....	Shelby.
Coleman, Daniel.. "	Athens.....	Lauderdale.
Cooper, Thos. B.. "	Centre. ....	Cherokee
Cunningham, A.. "	Talladega .....	Talladega.

NAME.	POS OFFICE.	COUNTY.
Curtis, A. H. ....	Senator..	Marion ..... Perry.
Dereen, J. W. ....	"	Demopolis.... Marengo.
Doster, C. S. G. .	"	Prattville.... Autauga.
Driesbach, J. D. .	"	Mt. Pleasant.. Baldwin.
Edwards, W. H. .	"	Chepultepec .. Blount.
Ervin, R. H. ....	"	Camden ..... Wilcox.
Glass, W. W. ....	"	Tuskegee..... Macon.
Goodloe, J. C. ....	"	Cherokee..... Colbert.
Grayson, J. W. .	"	Huntsville.... Madison.
Hamilton, Peter..	"	Mobile ..... Mobile.
Haralson, Jere... .	"	Selma..... Dallas.
Harris, B. W. ....	"	Columbus, Ga. Russell.
Hatch, C. W. ....	"	Greensboro... Hale.
Hewitt, G. W. ....	"	Birmingham.. Jefferson.
Jones, J. W. ....	"	Hayneville.... Lowndes.
Leftwitch, Lloyd.	"	Falkland ..... Greene.
Little, W. G. jr. .	"	Livingston.... Sumter.
Martin, John M. .	"	Tuskaloosa... Tuskaloosa.
Miller, Wm., jr. .	"	Greenville .... Butler.
Parks, W. H. ....	"	Troy ..... Pike.
Pennington, J. L. .	"	Opelika..... Lee.
Robinson, J. J. .	"	La Fayette.... Chambers.
Royal, B. F. ....	"	Union Springs. Bullock.
Snodgrass, A. ....	"	Scottsboro .... Jackson.
Terrell, John A. .	"	Dadeville.... Tallapoosa.
Walton, S. ....	"	Desotoville ... Choctaw.
Wilson, A. P. ....	"	Montgomery.. Montgomery.

# NAMES

OF

## REPRESENTATIVES AND THEIR POSTOFFICES.

NAME.	COUNTY.	PORTOFFICE.
Lewis E. Parsons, Speaker.	Talladega	Talladega.
Robert Barber, Clerk.	Montgomery	Montgomery.
W. V. Turner, Ass't Clerk.	Elmore	Wetumpka.
D. L. Dalton, Journal Clerk.	Montgomery	Montgomery.
S. Barnard, Ass't Jour. Cl'k.	Elmore	Wetumpka.
Philip Joseph, Eng. Clerk.	Mobile	Mobile.
W. H. Council, Ass't Eng Clk.	Madison	Huntsville.
J. E. Harwell, Enrolling Clk.	Montgomery	Montgomery.
F. M. Shouse, Asst Enr. Clk.	Talladega	Talladega.
M. G. Candee, Door-keeper.	Wilcox	Camden.
S. D. Oliver, Serg't-at-Arms.	Elmore	Wetumpka.
J. G. Oliver, Page.	Elmore	Wetumpka.
Stephen Russell, Page.	Montgomery	Montgomery.
Thos. Abercrombie, Page.	Montgomery	Montgomery.
Robert Cook, Page.	Montgomery	Montgomery.
Anderson, D. C.	Mobile	Mobile.
Ash, George W.	St. Clair	Ashville.
Barnett, S. H.	Monroe	Monroeville.
Barrow, J. H.	Chambers	West Point, Ga.
Barton, Jonathan.	Winston	Larissa.
Boyd, R. K.	Marshall	Guntersville.
Brewer, Leroy	Mobile	Mobile.
Broadnax, C.	Crenshaw	Mount Carmon.
Brown, J. E.	Jackson	Scottsboro.
Brown, N. H.	Tuskaloosa	Tuskaloosa.
Bruce, John.	Wilcox	Prairie Bluff.

NAME.	COUNTY.	POSTOFFICE.
Carson, W. E.....	Lowndes....	Mount Willing.
Chapman, J. C.....	Clarke.....	Point Jackson.
Clarke, T. J.....	Barbour....	Clayton.
Clarke, P. G.....	Perry.....	Uniontown.
Clopton, N. V.....	Butler.....	Greenville.
Cloud, N. B.....	Montgomery.	Montgomery.
Cochran, Henry.....	Dallas.....	Selma.
Cockrell, S. W.....	Greene.....	Eutaw.
Cowan, J. H.....	Jackson....	Princeton.
Crawford, Daniel.....	Coosa.....	Rockford.
Corsbie, Samuel.....	Colbert.....	Alsboro.
Davis, C. H.....	Bullock....	Union Springs.
Dotson, Menter.....	Sumter.....	Livingston.
Dozier, John.....	Perry.....	Uniontown.
Draxler, Frank.....	Mobile.....	Mobile.
Dustan, C. W.....	Marengo....	Demopolis.
Elliott, A. M.....	Shelby.....	Columbiana.
Ellsworth, Hales.....	Montgomery.	Montgomery.
Fantroy, Samuel.....	Barbour....	Eufaula.
Franklin, John N.....	DeKalb.....	Fort Payne.
Gillaspie, H. A.....	Blount.....	Blountsville.
Goldsby, J. H.....	Dallas.....	Fords.
Greene, J. K.....	Hale.....	Greensboro.
Greene, R. J.....	Jefferson...	Irondale.
Gresham, J. B.....	Pickens.....	Carrollton.
Hamilton, A. J.....	Marion.....	Pikeville.
Hannon, J. B.....	Elmore.....	Wetumpka.
Hawkins, T. C.....	Greene.....	Haysville.
Howell, W. P.....	Cleburne....	Oak Level.
Hunter, W. H.....	Lowndes....	Hayneville.
Johnson, R. L.....	Dallas.....	Selma.
Jones, Samuel G.....	Lee.....	Youngsboro.
Jones, Reuben.....	Madison....	Huntsville.
Kelly, E. D.....	Walker.....	Eldridge.
Lamb, John.....	Limestone...	Athens.
Lawrence, G. W.....	Cherokee....	Gaylesville.
Lee, C. S.....	Coffee.....	Elba.
Levey, J. M.....	Montgomery.	Montgomery.
Lewis, G. S. W.....	Perry.....	Uniontown.
Lovvorn, W. D.....	Randolph...	Lamar.
McAfee, N. S.....	Talladega...	Talladega.
McCaskie, T. D.....	Wilcox.....	Camden.
McCoy, H. R.....	Chambers...	Milltown.
McHugh, John H.....	Mobile.....	Mobile.



NAME.	COUNTY.	POSTOFFICE.
Mancill, E. J. ....	Covington...	Andalusia.
Manning, A. R. ....	Mobile.....	Mobile.
Masterson, Thomas .....	Lawrence ...	Courtland.
Mathews, Perry .....	Bullock.....	Union Springs.
Maull, January .....	Lowndes....	Benton.
Millen, G. R. ....	Russell .....	Fort Mitchell.
Merriwether, Willis.....	Wilcox .....	Prairie Bluff.
Moss, J. M. ....	Madison ....	Huntsville.
Murfree, Joel D. ....	Pike .....	Troy.
Musgrove, W. A. ....	Fayette .....	Palo.
Patterson, S. J. ....	Autauga ....	Autaugaville.
Patterson, George.....	Macon .....	LaPlace.
Peddy, Thomas B. ....	Lee .....	Loachapoka.
Purcell, H. ....	Henry .....	Columbia.
Reed, Robert.....	Sumter.....	Belmont.
Reese, B. W. ....	Hale.....	Greenesboro.
Renfro, J. M. ....	Calhoun ...	Jacksonville.
Simpson, John S. ....	Lawrence ...	Courtland.
Slater, J. A. ....	Choctaw ...	Butler.
Smith, J. N. ....	Bibb.....	Centreville.
Smith, Anderson.....	Dallas .....	Pleasant Hill.
Smith, W. G. W. ....	Morgan.....	Forkville.
Smith, H. P. ....	Tallapoosa..	Young's Roads.
Speed, L. S. ....	Bullock.....	Union Springs.
St. Clair, Henry.....	Macon .....	Tuskegee.
Stallworth, Nicholas .....	Conecuh ...	Evergreen.
Steel, James W. ....	Madison ....	Huntsville.
Steel, Lawson.....	Montgomery	Mount Meigs.
Stone, Lewis M. ....	Pickens.....	Carrollton.
Stribling, William .....	Washington.	St. Stephens.
Taylor, B. F. ....	Lauderdale..	Centre Star.
Taylor, William .....	Sumter.....	Belmont.
Threat, F. H. ....	Marengo ...	Memopolis.
Thomas, B. R. ....	Marengo ...	Uniontown.
Treadwell, J. R. ....	Russell .....	Hurtville.
Vaughn, James M. ....	Baldwin ...	Stockton.
Walker, Thomas.....	Dallas .....	Selma.
Whatley, W. H. ....	Tallapoosa..	Fish Pond.
Weatherford, W. W. ....	Franklin....	Frankfort.
White, J. H. ....	Clay.....	Ashland.
Wilkinson, Levi.....	Dale.....	Skipperville.
Williams, A. E. ....	Barbour ...	Eufaula.
Williams, L. J. ....	Montgomery.	Montgomery.

JOURNAL

OF THE

“Capitol” House of Representatives.

SESSION 1872.

BLANK PAGE

2275

# JOURNAL.

---

MONTGOMERY, ALABAMA.  
Monday, Nov. 18, 1872.

This being the third Monday of November, the day fixed by law for the meeting of the General Assembly of the State of Alabama.

The House of Representatives convened in the Hall of the House, at the Capitol, in the city of Montgomery, at the hour of 12 o'clock, meridian, and was called to order by John P. Hubbard, Speaker of the House of Representatives.

On motion of Mr. R. K. Boyd of Marshall, Ellis Phelan of Jefferson was appointed temporary clerk of the House and Robert C. Clark of Elmore temporary door-keeper.

Upon the call of the counties the following members enrolled their names, and having been duly sworn took their seats as members of the House :

Baldwin, James M. Vaughn.

Barbour, S. H. Dent, Jerre N. Williams, Michael Cody.

Bibb, J. N. Smith.

Blount, H. A. Galaspie.

Butler, N. V. Clopton.

Calhoun, J. M. Renfroe.

Chambers, H. R. McCoy, James H. Barrow.

Choctaw, James A. Slater.

Clarke, John C. Chapman.

Cleburne, W. P. Howell.

Coffee, C. S. Lee, Jr.

Colbert, Samuel Corsbie.

Conecuh, N. Stallworth.

Coosa, David Crawford.

Covington, E. J. Mancill.  
 Crenshaw, C. Broadnax.  
 Dale, Levi Wilkinson.  
 DeKalb, John N. Franklin.  
 Franklin, W. W. Weatherford.  
 Jackson, J. H. Cowan, J. E. Brown.  
 Jefferson, Robert S. Greene.  
 Lauderdale, B. F. Taylor.  
 Lee, Samuel G. Jones, Thos. B. Peddy.  
 Marshall, R. K. Boyd.  
 Mobile, A. R. Manning, Leroy Brewer, D. C. Anderson,  
 John H. McHugh, Frank Draxler.  
 Monroe, S. A. Barnett.  
 Pickens, Lewis M. Stone, J. B. Gresham.  
 Pike, Joel D. Murphree.  
 Shelby, A. M. Elliott.  
 St. Clair, Geo. W. Ash.  
 Tallapoosa, W. H. Whatley, H. P. Smith.  
 Tuskaloosa, N. L. Whitfield, N. H. Brown.  
 Washington, W. C. Stribling.  
 There being no quorum present, on motion of Mr.  
 Boyd,  
 The House adjourned until to-morrow morning at 12  
 o'clock.

---

TUESDAY, Nov. 19, 1872.

The House met pursuant to adjournment.  
 John P. Hubbard, Speaker of the House of Represent-  
 atives, in the chair.  
 Prayer by Rev. W. P. Howell of the House.  
 The following members elected to the House came for-  
 ward, enrolled their names, and having been duly sworn  
 took their seats as members of the House:  
 From the county of Cherokee, G. W. Lawrence; Clay,  
 J. H. White; Fayette, W. A. Musgrove; Marion, A. J.  
 Hamilton; Walker, E. D. Kelly.  
 The roll was called, and the following members an-  
 swered to their names:  
 Messrs. Anderson, Ash, Barrow, Broadnax, Brown of  
 Tuskaloosa, Brown of Jackson, Boyd, Brewer, Barnett,  
 Cody, Chapman, Corsbie, Crawford, Cowan, Clopton,

Dent, Draxler, Elliott, Franklin, Galaspie, Greene, Gresham, Howell, Hamilton, Jones, Kelly, Lawrence, Lee, Mancill, Musgrove, Manning, McHugh, McCoy, Murphree, Peddy, Renfroe, Slater, Stallworth, Stribling, Smith of Tallapoosa, Smith of Bibb, Stone, Taylor, Vaughn, Whatley, Whitfield, Williams, Weatherford, Wilkinson and White—50.

There being no quorum present,

The House adjourned until to-morrow morning at 11 o'clock.

WEDNESDAY, Nov. 20, 1872.

The House met pursuant to adjournment.

Mr. John P. Hubbard, Speaker of the House of Representatives, in the chair.

Prayer by Mr. White of the House.

Mr. Manning presented the credentials of F. A. McNeil, Robert A. Morgan, and F. H. Kimbrough, Representatives elected from the county of Marengo; and upon motion of Mr. Boyd, those gentlemen came forward, enrolled their names, and having been duly sworn took their seats as members of the House.

The roll was called and the following members answered to their names :

Messrs. Anderson, Ash, Barnett, Barrow, Boyd, Brewer, Brown of Tuskaloosa, Broadnax, Chapman, Clopton, Cody, Cowan, Corsbie, Crawford, Dent, Draxler, Elliott, Franklin, Galaspie, Greene, Gresham, Hamilton, Howell, Jones, Kelly, Kimbrough, Lawrence, Lee, Mancill, Manning, Musgrove, McCoy, McHugh, McNeil, Morgan, Murphree, Peddy, Renfroe, Slater, Smith of Tallapoosa, Smith of Bibb, Stallworth, Stone, Stribling, Taylor, Vaughn, Weatherford, Whatley, Whitfield, White, Williams and Wilkinson—52.

The House then proceeded to the election of a Speaker.

Mr. Boyd nominated Mr. Lewis M. Stone of Pickens.

Those who voted for Mr. Stone are—

Messrs. Anderson, Ash, Barnett, Barrow, Boyd, Brewer, Brown of Tuskaloosa, Broadnax, Chapman, Clopton, Cody, Cowan, Corsbie, Crawford, Dent, Draxler, Elliott, Franklin, Galaspie, Greene, Gresham, Ham-

ilton, Howell Jones, Kelly, Kimbrough, Lawrence, Lee, Mancill, Manning, Musgrove, McCoy, McHugh, McNeil, Morgan, Murphree, Peddy, Renfro, Slater, Smith of Tallapoosa, Smith of Bibb, Stallworth, Stribling, Taylor, Vaughn, Weatherford, Whately, Whitfield, White, Williams and Wilkinson—51.

Mr. Stone having received a majority of all the votes cast, Mr. John P. Hubbard, Speaker of the House of Representatives, declared him to be duly and constitutionally elected Speaker of the House of Representatives of the General Assembly of Alabama.

On motion, a committee of three, consisting of Messrs. Boyd, Taylor and Manning, were appointed to notify Mr. Stone of his election and escort him to his seat.

The committee having discharged their duty, Mr. Boyd of Marshall administered the oath of office to Mr. Stone and he entered upon the discharge of his duties as Speaker of the House of Representatives of the General Assembly of Alabama.

Mr. Brown of Jackson having come into the hall, after the vote for Speaker was announced, asked and obtained leave of the House to record his vote for Mr. Stone for Speaker.

The House then proceeded to the election of officers of the House.

Mr. Whitfield placed in nomination Ellis Phelan of Jefferson for Clerk of the House.

Mr. Phelan alone being in nomination and having received all the votes cast, viz. fifty-three, was declared duly elected clerk of the House of Representatives of the General Assembly of Alabama.

Mr. Murphree placed in nomination Turner Clanton of Montgomery for assistant clerk of the House.

Mr. Clanton alone being in nomination and having received all the votes cast, viz. fifty-three, was declared duly elected assistant clerk of the House of Representatives of the General Assembly of Alabama.

Mr. Brown of Tuskaloosa placed in nomination Tom Taylor of Lee for engrossing clerk of the House.

Mr. Taylor alone being in nomination and having received all the votes cast, viz. fifty-three, was declared duly elected engrossing clerk of the House of Representatives of the General Assembly of Alabama.

Mr. Howell placed in nomination Robert C. Clarke of Elmore for door-keeper of the House.

Mr. Clarke alone being in nomination, and having received all the votes cast, viz. fifty-three, was declared duly elected door-keeper of the House of Representatives of the General Assembly of Alabama.

The oath of office was then administered to the officers elect, and they entered upon the discharge of their respective duties.

Mr. Manning offered the following resolution, which was adopted :

*Resolved*, That a committee of three members be appointed by the chair to inform His Excellency the Governor that the House of Representatives of Alabama was convened in the hall of the House of Representatives, in the Capitol, in the city of Montgomery, on the third Monday of November, the 18th instant, at 12 o'clock meridian, and was called to order by the Hon. John P. Hubbard, Speaker, according to the constitution and laws of the State; that the House of Representatives have elected the Hon. Lewis M. Stone, of Pickens, Speaker, Ellis Phelan, clerk, Turner Clanton, assistant clerk, Tom Taylor, engrossing clerk, Robert C. Clarke, door-keeper, and is organized and ready to proceed to business.

The Speaker appointed on said committee Messrs. Manning, Brown of Tuskaloosa, and Taylor.

Mr. Manning, from said committee, reported that they had waited on His Excellency the Governor, and had furnished him with a copy of the above resolution, and that His Excellency stated to the committee that as soon as he was informed of the organization of the two Houses he would send in a communication in writing.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
Nov. 20, 1872. }

*Mr. Speaker :*

The Senate has adopted the following resolution :

*Resolved*, That the Secretary of the Senate be requested to inform the House of Representatives that the Senate has organized, under the Presidency of Hon. E. H. Moren, Lieutenant-Governor of the State, and has elected M. L. Woods of Montgomery, principal secretary, Ben-



jamin F. Garrett of Coosa, assistant secretary, James H. Graham of Perry, enrolling clerk, W. V. Chardevoyne of Lawrence, engrossing clerk, and Pat Doran of Montgomery, door-keeper, and is ready to proceed to business.

MIKE L. WOODS,  
Sec'y of Senate.

The Clerk of the House was instructed to inform the Senate that the House was organized and ready to proceed to business.

Mr. White offered the following resolution, which was adopted:

*Resolved*, That a committee of three be appointed by the Speaker, to act with a like committee of the Senate, to wait upon His Excellency, the Governor, and inform him that the two Houses have been organized for the dispatch of public business, and are ready to receive any communication he may think proper to make.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
Nov. 20, 1872.

*Mr. Speaker :*

The Senate has adopted the following resolution :

*Resolved*, That a joint committee of three from the Senate, and five from the House, be appointed to wait upon His Excellency, the Governor of Alabama, and inform him of the organization of the respective Houses, and of their readiness to receive any communication he may wish to make.

Committee from the Senate—Messrs. Hamilton, Terrell and Edwards.

MIKE L. WOODS,  
Sec'y of Senate.

The House concurred in Senate resolution in relation to the appointment of a joint committee to wait on His Excellency, the Governor.

The Speaker appointed on said committee, on the part of the House, Messrs. White, Anderson, Murphree, Howell and Cowan.

Mr. Howell offered the following resolution, which was adopted :

*Resolved*, That a committee of three be appointed to wait on the different clergymen in the city, and request them to open the daily sessions of the House with prayer, in such manner as may be most convenient to them.

Committee—Messrs. Howell, White and Lawrence.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, {  
Nov. 20, 1872. }

*Mr. Speaker :*

The Senate has adopted the accompanying

#### JOINT RESOLUTION :

*Resolved by the Senate of the State of Alabama, the House of Representatives concurring*, That the General Assembly of Alabama assemble in the hall of the House of Representatives, in joint convention, at twelve o'clock M., on Thursday, the 21st day of November, instant, for the purpose of opening the returns, and proclaiming the result, strictly according to the constitution and laws of Alabama, of the election held in the State of Alabama on the 5th inst., for Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Attorney General, and Commissioner of Industrial Resources for the State of Alabama.

MIKE L. WOODS,  
Sec'y. of Senate.

The House proceeded to the consideration of the Senate joint resolution in relation to counting the votes for the different State officers.

Pending the consideration of which,

On motion of Mr. Boyd—

The House adjourned until to-morrow morning, 11 o'clock.

THURSDAY, Nov. 21, 1872.

The House met pursuant to adjournment.

Prayer by Mr. Howell, of the House.

Upon a call of the roll, the following members answered to their names:

Messrs. Speaker, Ash, Barnett, Barrow, Boyd, Brewer, Brown of Tuskaloosa, Brown of Jackson, Broadnax, Chapman, Clopton, Cody, Cowan, Corsbie, Crawford, Dent, Draxler, Elliott, Franklin, Galaspie, Greene, Gresham, Hamilton, Howell, Jones, Kelly, Kimbrough, Lawrence, Lee, Mancill, Manning, Musgrove, McCoy, McHugh, McNeil, Morgan, Murphree, Peddy, Renfroe, Slater, Smith of Tallapoosa, Smith of Bibb, Stallworth, Stribling, Taylor, Vaughn, Weatherford, Whatley, Whitfield, White, Williams and Wilkinson—52.

The Journals of the proceedings of Monday, the 18th, Tuesday, the 19th, and Wednesday, the 20th, instants, respectively, were read and approved.

On motion of Mr. Anderson, the House proceeded to the consideration of the Senate joint resolution in relation to the opening and counting of the votes for the different State offices, pending at the hour of adjournment on yesterday.

On motion of Mr. Anderson, the resolution was amended by striking out the words "Thursday, the 21st," and inserting the words, "Friday, the 22d inst.," and the House concurred in the said resolution as amended.

#### MESSAGE FROM THE GOVERNOR.

By Mr. Chardavoyne, Private Secretary :

EXECUTIVE DEPARTMENT, }  
Montgomery, Nov. 21, 1872. }

*Gentlemen of the House of Representatives :*

On the reception of the joint committee appointed by the two houses on yesterday, to communicate to this Department the organization of the General Assembly, I expressed a hope of being able to transmit on to-day my annual message.

Circumstances beyond my control compel me to delay its transmission until to-morrow, at 12 o'clock.

ROBERT B. LINDSAY.

The House proceeded to elect a Sergeant-at-Arms.

Mr. Anderson nominated Mr. Francis Titcomb.

Mr. Titcomb alone being in nomination, and having received all the votes cast, viz., fifty-two, was declared duly elected Sergeant-at-Arms of the House.

On motion of Mr. Whitfield, the rules of the late House of Representatives were adopted as the rules for the government of this House.

By leave, Mr. Manning introduced a bill—

In relation to evidence in certain cases.

Which was read once, and ordered to a second reading.

By leave, Mr. Dent introduced a bill—

To fix the time and place of holding the chancery courts in the district composed of the counties of Barbour, Henry, Dale and Bullock, of the eastern chancery division of Alabama.

Which was read once, and ordered to a second reading.

Mr. Whitfield offered the following resolution, which was adopted :

*Resolved*, That the Speaker is hereby authorized to appoint one Assistant Enrolling Clerk, when such assistance may become necessary.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
Nov. 21, 1872. }

*Mr. Speaker :*

The Senate has concurred in the amendment of the House to the Senate joint resolution in relation to the opening and counting the votes for the several State offices.

MIKE L. WOODS,  
Sec'y. of Senate.

On motion of Mr. Cowan,

The House adjourned until to-morrow morning, 10 o'clock.

FRIDAY, Nov. 22, 1872.

The House met pursuant to adjournment.  
Journal of yesterday read and approved.

#### CALL OF COUNTIES.

Mr. Jones introduced a bill—

To amend an act, entitled an act to amend section 11, of an act to furnish the aid and credit of the State of Alabama, for the purpose of expediting the construction of railroads within the State ;

Which was read once and ordered to a second reading.

#### GENERAL ORDERS.

The following bills were read a second time, and referred to the Judiciary Committee, when raised.

To fix the time and place of holding the chancery courts in the district composed of the counties of Barbour, Henry, Dale and Bullock, of the Eastern Chancery Division of Alabama.

In relation to evidence in certain cases.

On motion of Mr. Mancill, the House took a recess until a quarter to twelve o'clock.

At the time designated the House was called to order by the Speaker.

Mr. Gresham offered the following resolution ;  
Which was adopted.

*Resolved*, That the Secretary of State be requested to supply each member of this House, who may desire them, with a copy of the Revised Code, and acts of the General Assembly, from the adoption of the Code, to be returned at the close of the present session.

The hour of 12 o'clock having arrived, the Senate was invited into the hall of the House for the purpose of witnessing the opening and publishing the votes for Executive, and State officers cast at the late general election, held on the 5th day of November, 1872, in pursuance of the joint resolution.

The President of the Senate, and Lieutenant Governor of the State of Alabama, Edward H. Moren, on taking the stand ordered the roll of the two Houses to be called, when the following members answered to their names:

Messrs. Carmichel, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Erwin, Hamilton, Hewitt, Jones, Mabry, Martin of Conecuh, Martin of Tuskaloosa, Parks, Robinson, Snodgrass, Terrell, and Walton of the Senate.

Messrs. Speaker, Anderson, Ash, Barrow, Brown of Tuskaloosa, Boyd, Brewer, Barnett, Cody, Chapman, Corsbie, Crawford, Cowan, Clopton, Dent, Draxler, Elliott, Franklin, Galaspie, Greene, Gresham, Howell, Hamilton, Jones, Kelly, Kimbrough, Lawrence, Lee, Mancill, Musgrove, Manning, McHugh, McCoy, McNeil, Murphree, Morgan, Peddy, Renfroe, Slater, Stallworth, Stribling, Smith of Tallapoosa, Smith of Bibb, Taylor, Vaughn, Whatley, Williams, Weatherford, Whitfield, White and Wilkinson of the House.

The President of the Senate appointed Mike L. Woods, Secretary of the Senate, Ellis Phelan, Clerk of the House, and W. R. Noble, to act as tellers, and assist him in the counting of the vote.

The President of the Senate then opened and published by counties separately, the votes cast for the Executive officers of the State of Alabama, viz:

Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer and Attorney General, as follows:

## VOTE BY COUNTIES.

COUNTIES.	Thos. H. Herndon.	David P. Lewis.	E. H. Moren.	Alex. McKinstry	J. J. Parker.	Pat. Ragland.	Thomas J. Burnett.	Robert T. Smith.	James F. Grant.	Arthur Bingham.	J. W. A. Sanford.	Benj. Gardner.
Autauga.....	674	1,600	675	1,585	675	1,599	676	1,595	677	1,594	674	1,594
Baker.....	472	221	470	226	461	222	461	222	460	222	461	222
Baldwin.....	573	690	569	696	573	691	573	691	573	688	573	691
Barbour.....	2,340	2,762	2,341	2,756	2,341	2,759	2,341	2,757	2,339	2,759	2,339	2,762
Bibb.....	810	418	856	385	810	417	808	414	807	415	808	414
Blount.....	575	271	573	273	573	273	573	273	573	273	573	273
Bullock.....	1,265	3,101	1,265	3,101	1,265	3,101	1,265	3,101	1,264	3,101	1,265	3,101
Butler.....	1,512	1,100	1,510	1,093	1,509	1,100	1,522	1,046	1,505	1,100	1,510	1,100
Calhoun.....	1,819	397	1,818	397	1,818	396	1,819	399	1,828	390	1,813	397
Chambers.....	1,812	1,317	1,812	1,317	1,812	1,317	1,812	1,317	1,812	1,317	1,812	1,317
Cherokee.....	1,260	221	1,251	219	1,258	213	1,258	205	1,258	204	1,258	214
Choctaw.....	1,177	644	1,177	644	1,177	644	1,177	644	1,177	643	1,177	642
Clarke.....	1,463	1,093	1,466	1,094	1,463	1,094	1,461	1,095	1,460	1,094	1,461	1,095
Clay.....	947	398	953	399	952	396	952	399	951	399	953	401
Cleburne.....	544	412	546	411	546	412	544	413	546	412	546	412
Coffee.....	760	103	760	103	760	103	763	103	761	103	762	103
Colbert.....	1,049	814	1,050	804	1,048	793	1,049	792	1,049	792	1,050	792
Conceh.....	928	953	928	950	930	950	929	950	929	949	928	950
Coosa.....	1,034	894	1,047	891	1,046	889	1,045	887	1,050	886	1,043	888
Covington.....	627	70	627	70	627	70	627	70	625	70	627	70
Crenshaw.....	1,066	309	1,066	309	1,067	309	1,068	309	1,066	309	1,068	308
Dale.....	1,012	374	1,011	368	1,010	367	1,005	369	1,002	369	1,009	361
Dallas.....	1,984	7,065	1,983	7,068	1,982	7,065	7,060	1,981	1,983	7,068	1,977	7,070
DeKalb.....	576	586	583	574	588	576	588	575	588	579	585	575
Elmore.....	1,351	1,451	1,351	1,448	1,351	1,448	1,350	1,448	1,350	1,449	1,351	1,448
Escambia.....	602	216	602	216	604	216	602	216	602	216	602	216
Etowah.....	745	295	745	295	743	292	742	291	743	290	743	291
Fayette.....	529	334	532	292	531	319	520	318	532	317	530	319

Franklin.....	488	413	491	405	490	405	488	404	488	405	489	405
Greene.....	1,234	2,508	2,514	2,513	1,224	2,513	1,224	2,512	1,224	2,512	1,232	405
Geneva.....	262	49	262	49	261	261	256	49	256	49	260	49
Hale.....	3,658	817	3,662	814	3,661	3,661	815	3,601	817	3,601	816	3,061
Henry.....	1,913	896	1,913	896	1,914	1,914	896	1,914	1,914	896	1,903	396
Jackson.....	1,682	681	1,681	667	1,687	674	1,675	698	1,679	671	1,680	673
Jefferson.....	1,245	1,024	1,223	1,042	1,241	923	1,027	1,217	1,027	1,217	1,028	1,028
Lauderdale.....	1,358	921	1,356	916	1,356	916	1,350	900	1,351	915	1,354	916
Limestone.....	849	892	855	886	863	883	855	889	855	884	858	885
Lawrence.....	1,224	1,237	1,237	1,479	1,236	1,480	1,235	1,476	1,235	1,476	1,236	1,476
Lee.....	2,251	2,356	2,252	2,354	2,253	2,353	2,243	2,361	2,252	2,356	2,252	2,354
Lowndes.....	932	3,958	932	3,958	931	3,958	931	3,958	932	3,958	932	3,958
Macon.....	968	2,008	969	2,068	964	2,070	964	2,069	966	2,065	967	2,069
Madison.....	2,471	3,022	2,542	2,929	2,545	2,930	2,545	2,931	2,551	2,922	2,546	2,926
Marengo.....	1,707	1,608	1,707	1,609	1,706	1,609	1,706	1,609	1,706	1,609	1,706	1,609
Marion.....	272	275	272	271	274	271	276	271	272	271	272	271
Marshall.....	623	293	626	284	631	259	616	284	651	289	626	280
Mobile.....	6,576	5,938	6,521	5,984	6,574	5,942	6,567	5,944	6,577	5,946	6,572	5,941
Monroe.....	1,448	482	1,450	482	1,451	480	1,438	482	1,440	473	1,438	483
Montgomery.....	3,025	7,096	3,033	7,084	3,030	7,083	3,014	7,090	3,025	7,088	3,046	7,073
Morgan.....	1,013	1,015	1,017	1,008	1,017	1,006	1,013	1,008	1,015	1,006	1,016	1,008
Perry.....	1,400	4,141	1,400	4,141	1,399	4,141	1,397	4,141	1,399	4,141	1,398	4,141
Pickens.....	1,510	441	1,504	441	1,503	441	1,504	441	1,504	441	1,504	441
Pike.....	1,905	553	1,902	553	1,903	553	1,900	553	1,901	553	1,897	555
Randolph.....	915	968	916	967	915	967	914	978	915	965	915	966
Russell.....	1,717	2,226	1,727	2,513	1,727	2,513	1,725	2,513	1,727	2,506	1,725	2,516
Sanford.....	631	261	626	248	625	248	625	244	624	248	625	248
Shelby.....	1,112	893	1,113	893	1,114	893	1,114	893	1,120	885	1,113	888
St. Clair.....	814	489	815	489	815	489	815	489	815	489	815	489
Sumter.....	1,733	2,449	1,733	2,449	1,732	2,448	1,730	2,447	1,731	2,446	1,732	2,446
Tallahade.....	1,566	1,935	1,565	1,932	1,565	1,935	1,561	1,935	1,565	1,931	1,565	1,933
Tallahapoosa.....	2,142	716	2,142	715	2,143	715	2,139	715	2,137	715	2,140	715
Tuskaloosa.....	1,715	1,350	1,715	1,346	1,712	1,350	1,712	1,350	1,712	1,351	1,710	1,350
Walker.....	441	406	454	413	443	427	444	425	444	425	443	424
Washington.....	495	79	495	79	493	79	492	79	491	79	491	79
Wilcox.....	1,299	3,956	1,298	3,952	1,294	3,952	1,297	3,952	1,297	3,952	1,292	3,952
Winston.....	117	416	114	406	113	404	113	405	113	405	115	403
Total.....	81,371	89,878	81,459	89,569	81,408	89,447	86,433	84,430	81,433	89,613	81,400	89,545



On motion. the Joint Convention took a recess until 4 o'clock.

The Joint Convention reassembled in the Hall of the House at the hour of 4 o'clock.

On motion of Mr. Whitfield, the Joint Convention adjourned until to-morrow, 12 o'clock M. and the Senate retired to their chamber.

#### MESSAGE FROM THE GOVERNOR.

The Governor by the hands of his private secretary, Mr. Gindrat, sent in his annual message.

On motion of Mr. Whitfield, the reading of the Governor's message was postponed and made the special order for 10 o'clock to-morrow morning.

On motion the House adjourned until to-morrow morning, 10 o'clock.

---

SATURDAY, Nov. 23d, 1872.

The House met pursuant to adjournment.

Upon a call of the roll the following members answered to their names:

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Boyd, Brewer, Brown of Jackson, Brown of Tuskaloosa, Broadnax, Chapman, Clopton, Cody, Cowan, Crawford, Dent, Draxler, Elliott, Franklin, Galaspie, Greene, Gresham, Hamilton, Howell, Jones, Kelly, Kimbrough, Lawrence, Lee, Mancill, Manning, Musgrove, McCoy, McHugh, McNeil, Morgan, Murphree, Peddy, Renfroe, Slater, Smith of Tallapoosa, Smith of Bibb, Stallworth, Stribling, Taylor, Vaughn, Whatley, Weatherford, Whitfield, White, Williams and Wilkinson.—52

The Journal of yesterday was read and approved.

The reading of the Governor's Annual Message, being made the special order for this hour, the Clerk read as follows:

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT, }  
Montgomery, November 21, 1872. }

*Gentlemen of the Senate and House of Representatives:*

I confidently hope that the deliberations on which you have entered, may redound to the general and permanent welfare of the people of the whole State.

Coming directly as you do, from your respective constituencies, and representing all sections of the State, you are immediately acquainted with their varied but common interests, as well as the views they entertain regarding the more important questions of policy agitating the public mind, and which are likely to invoke your attention during your present session; and knowing these views, you will recognize the popular will as a presiding and controlling influence at all stages of your legislation.

The recent stern and exciting political contest, out of which the country has just emerged, no doubt roused into activity, passions, prejudices and personal animosities, yet I earnestly trust that these have yielded to better and nobler impulses of broad and comprehensive philanthropy—to a spirit of patriotic benevolence. It will be a matter of joy if the General Assembly of Alabama should exhibit to the world a worthy example of subordinating party antagonisms to the general good, of directing their labors and zeal to a beneficent emulation in promoting prosperity and peace among the million of people whose civil liberties, whose dearest social and political interest have been confided to their wisdom and fidelity.

Legislation at this crisis in her history may seriously effect the future of Alabama. There are periods in the life of States, as well as of individuals, where one false movement may entail a long succession of evils which regret cannot lighten, nor effort entirely overcome.

Alabama is entering upon a new career of industry needing legislative encouragement, if not protection, to secure its final success. With the emancipation of the colored race there arose at once an inclination and necessity to find new avenues to labor and profit, and the mountain belt of North Alabama, with its inestimable affluence of mineral deposits, water power, and timber, offered a vast inviting field which is already rapidly attracting capital and an intelligent, industrious population.

The restoration of the Alabama and Chattanooga Rail Road to active operations, and the recent completion of the South and North Alabama Road, have awakened along their extensive lines a restless spirit of energy which promises grand results of developement and prosperity throughout one-third of the State, which was, but yesterday as it were, inaccessible to traffic or enterprise. Villages, that had for years dragged on a sluggish and profitless existance, began to exhibit cheering signs of a prosperous future. In their centre, where eighteen months ago the smoke of scarcely a single lonely cottage darkened the horizon, may now be seen a flourishing town of nearly four thousand inhabitants, daily extending its limits and multiplying its industries. The infant city of Birmingham is wonderful in its growth, and an impressive monument to the foresight, confidence and energy of its founder.

The natural wealth of Alabama, slumbering still in the unlocked recesses of the mountains may be considered geographically within the limits of a particular section, yet when developed, its value will be felt everywhere throughout the State, from the Tennessee to the Gulf; not a city nor a citizen but will experience its vitalizing influence. Whenever therefore, legislation will avail to aid in developing the grand treasures with which nature has enriched our State, the General Assembly will no doubt, wisely and liberally extend its fostering care. Much has already been accomplished in that direction, through the agency of the Railroads which have been constructed within our borders during the past few years, and I feel at once a pleasure and a pride in pausing here to invite your attention to the signal advancement Alabama has made in the progress of her Railroad system, despite the manifold obstacles, and adverse circumstances it has had to encounter. You will be gratified in being informed that since the close of the late civil conflict, indeed it may be said, within the comparatively brief period of five years, nearly one thousand miles of Railroad have been built—distributed through nearly every portion of the State, placing them in easy and cheap communication with each other, and affording access to the commerce and traffic of the world.— The present administration has, with feelings of high and peculiar satisfaction, witnessed the completion of three roads of vital importance, not only to the regions they penetrate, but of incalculable

value to the whole State. The Montgomery and Eufaula Railroad, if I adopt what seems to be the modern mode of measuring space, has brought within a few hours distance from the capitol, the populous and productive country of the Chattahoochee, as well as united in social and business intercourse with the rest of the State, a section which, as one of its noblest citizens once pathetically exclaimed in the Senate Chamber. "only realized its political connection with Alabama through the exactions of the Tax Collector".

The South and North Alabama Railroad has been slow in its progress, and its completion long deferred, yet when we survey the magnitude of the work, and allow for the many unavoidable interruptions which from time to time have intervened to obstruct it, its final consummation is well calculated to inspire sentiments of wonder and admiration for the spirit and energy which achieved it. An anticipation of the benefits that will surely emanate from this great improvement is beyond present conception, yet its present visible advantages manifest its importance and value. The rugged mountain barrier of the Cumberland range, which so long separated North and South Alabama, has been cleft assunder, and communication established between sections, only heretofore existing by expensive and circuitous routes through the neighboring States of Georgia or Mississippi. This road has also opened a direct highway to the granaries and commercial Marts of the North-West, and created new and numerous outlets for our southern products, above all, it has rendered available, fields of coal and mountains of iron, surpassed in extent and in quality in no other locality—perhaps in no other country on the Globe. What has been said of the South and North road, may in like manner be said in connection with the Alabama and Chattanooga, running in a different direction, crossing near the centre of each, partially through the same region and diagonally across the State. Apart from the material developments which will enure from it, the Alabama and Chattanooga road is destined to be a great, if not the chief thoroughfare of travel and transportation, from the cities of the Atlantic coast to the lower Mississippi and onward through Texas to the Pacific slope. In addition to these, other similar enterprises are now progressing, which, when finished will contribute their peculiar benefits to the State, and the localities through which they

are projected. The Grand Trunk Road, beginning at our Commercial Capital, Mobile, is rapidly moving forward to the coal fields of the Cahaba and other regions of North Alabama; already it has reached its Warrior crossing, fifty-five miles from Mobile, and encouraged by a fair business in agricultural districts through which it passes.

From the thriving town of Opelika, the Savannah and Memphis Road is in operation for a distance of forty miles in a North-Western direction, and progressing earnestly and surely towards its destinations, first, Birmingham, and thence to the navigable waters of the Tennessee. The company constructing it, I learn from what I deem reliable sources of information, are determined, and possessed of the means to continue and complete the undertaking.

The Selma, Marion and Memphis Railroad is of great importance to the State; especially to the rich agricultural counties of middle and western Alabama, is also going forward, and when it forms its connection with the Mobile and Ohio Railroad will constitute a valuable member of our Railroad System.

The Selma and Gulf Railroad overtaken by adversity seems to have halted for the present at its fortieth mile. I am, however, unofficially informed that a recent sale of the road to an English company will insure its speedy completion to the Gulf. The East Alabama and Cincinnati Road has not proceeded beyond its twentieth mile from Opelika, a point reached prior to the commencement of the last session of the Legislature. The railroads referred to form what may be denominated the railroad system of the State and heretofore the recipients of the State's endorsement.

The necessity for railroads, and the multiplied benefits they confer upon all the pursuits and interests of mankind ignorance can scarcely summon hardihood to question in this century of human life, yet a great difference of opinion does prevail regarding the true policy of Government towards them. In this State this question has been agitated under the form of endorsement of railroad bonds. Ignoring, however, the conflicting views of individuals, or of parties, I have since my accession to the Executive Office simply endeavored to execute the endorsement laws in letter and spirit as I found them on the statute book. I recognized in them a solemn contract

between the State and the railroad companies in the first place, and in the second a pledge of the most scrupulous good faith on the part of the State to all persons who honestly and innocently loaned their money on the State's endorsement, and I diligently and earnestly sought to measure my acts by this interpretation of the law. The wisdom of the legislation it was not my province to determine; and to have decided upon its constitutionality, would have been an usurpation of power in the highest degree culpable. The policy of endorsement had been sanctioned by two successive Legislatures—first by the Legislature of 1867, sitting before the General Assembly received a new form from the reconstruction acts of Congress by a Legislature composed of many of the veteran lawgivers, and patriots of the State—and repeatedly confirmed, though modified by succeeding Legislatures, while its constitutionality had never been assailed in the judicial tribunals, where alone the acts of the Legislature may be declared unconstitutional. Under these impressive circumstances I have pursued the course I conceived to be in strict conformity with the statutory provisions. I may, however, be permitted here to say that I have not yet met with any argument or discovered any fact sufficient in my judgment to establish the unconstitutionality of any of the endorsement laws, and thereby to invalidate the obligation assumed by the State in pursuance thereof. It has been alleged and warmly urged in the Legislature, as well as in portions of the public press that the State is not liable whenever it is shown that the railroad company had failed to comply strictly with law, either before or after the endorsement. I suggest that a closer scrutiny of the laws will reveal the fact that the wrongful act of the company works a forfeiture of its rights to endorsement releases the State from its obligation to endorse, but not from liability to an innocent and "*bona fide*" purchaser of the bonds. This position will certainly be universally admitted to be true as to such violative acts committed antecedently to endorsement. An endorser surely cannot successfully plead the failure of the maker to perform a contract between themselves against an innocent endorser, a stranger to the contract, and who was neither the cause, nor cognizant of the failure.

If for example a railroad company obtained endorsement, and made the first sale of endorsed bonds for less

than ninety per cent. of nominal value, this would not render the endorsement illegal or avoid it on bonds in the hands of and owned by a subsequent innocent purchaser at ninety-five per cent. I cannot think that such a judgment would be pronounced, either in a court of law or equity—it would certainly not be consonant with high morality. This reasoning is not intended to apply to the endorsement of bonds *which under no circumstances ever had been entitled* or ever could be entitled to endorsement. One illustration will manifest the distinction. The law authorizes endorsement at the rate of sixteen thousand dollars per mile throughout its entire length, and no more. If the Governor should, however, endorse bonds for a greater number of miles than the road contains. I do not think the State would be liable on such endorsement. The purchaser is bound to use all possible diligence and vigilance for his own protection, and whenever he can use them, and neglects to do so he must suffer. The length of a road is ascertainable, and the number of the bond serves to admonish caution. There must be some limit to liability imposed on the State by the endorsement of the Executive, and that which I have stated appears to be a right one. The State never authorized such endorsement on the fulfilment of any conditions—the bonds represent a fiction not a road, and the holder could by investigation have ascertained that fact. At the last session of the Legislature the constitutionality of the two million bonds issued for the benefit of the Alabama and Chattanooga Railroad Company, and the liability of the State thereon also, became subjects of long and earnest discussion. The denial of their constitutionality was maintained chiefly on the ground that the statute authorizing their issue failed to receive on its passage the required constitutional number of votes. This argument originated in the supposition that the bonds being the direct bonds of the States their issuance was restrained by section 32 article iv of the constitution which reads: “The General Assembly shall not borrow or raise money on the credit of this State, except for purposes of military defence against actual or threatened invasion, rebellion or insurrection, without the concurrence of two-thirds of the members of each house, nor shall the debts or liabilities of any corporation, person or persons, or other States be guaranteed, nor any money, credit or other thing be loaned, or given

away, except by a like concurrence of each house, and the votes shall in each case be taken by the yeas and nays and be entered on the journals."

The face of the bonds, however, on examination will be found not to be in the usual words of State bonds, but purport thereon to have been issued for the express purpose of aiding the construction of the Alabama and Chattanooga Railroad, a fact which clearly transfers the authority for their issuance to section 33 of article iv of the constitution which provides that "the State shall not engage in works of internal improvement; but its credit in aid of any such may be pledged by the General Assembly on undoubted security, by a vote of two-thirds of each house of the General Assembly." The language of the two sections cited widely differ in letter and intention. The former section prescribes a majority of two-thirds of the *members* of each house, the latter a majority of two-thirds of each *house*. A majority of the members of each house mentioned in section 32 alluded to contemplates a majority of all members entitled to seats in the body; a majority of the house mentioned in section 33 means a majority of two-thirds of a quorum, which is any number over 50. Section 7, article iv declares a majority of each house shall constitute a quorum.

It may be asked why different majorities should be thus prescribed. The answer is found in the sections themselves. In section 32 the State is solely and exclusively liable for the payment of the bonds; in section 33 the beneficiary railroad company is required to give good and sufficient security that the company would pay both principal and interest of the bonds as either became due. I have deemed it to be my duty thus briefly to dwell on a subject of such general public interest, rather as suggestive of facts than by way of argument.

The aggregate endorsements of railroad bonds amount to at the present date (\$15,110,000.) fifteen million one hundred and ten thousand dollars, a sum apparently well calculated to excite grave apprehensions in the popular mind as to their financial capacity to meet it without an onerous and impoverishing increase of taxation as well as to impair the credit of the State abroad. I do not think there is the least real foundation for such fears. The State is well secured against ultimate loss. Were the roads sold to-day under the mortgages, and the liens of the State three-fourths of them would realize the



amount of the endorsements, while the remaining fourth, embracing about seventy-five miles, would realize little less than the endorsement. This is the opinion too of persons of experience and matured judgment in railroad matters. The security being equal to her liability it is false and injurious to include in the estimate of the State indebtedness the amount of railroad endorsement which the enemies of our credit and interested malice have studiously done. I may add that the iron and other movable property of the roads would alone realize three-fourths of the amount of the endorsement. Thus it will be seen that the enormity of the State's indebtedness so often proclaimed to the detriment of her credit and solvency dwindles into insignificance.

Excluding from the calculation the contingent liability incurred by endorsement of railroad bonds, the public debt of the State may be stated as follows:

Eight per cent bonds.....	\$ 2,376,000 00
Six per cent bonds.....	770,500 00
Five per cent bonds.....	3,296,800 00
	<hr/>
	\$ 6,443,300 00
Add to this eight per cent bonds loaned to	
A. & C. R. R.....	\$ 2,000,000 00
And the bonds loaned to the Montgomery	
& Eufaula Road.....	300,000 00
	<hr/>
And we have, total.....	\$ 8,743,300 00

This is the bonded indebtedness of the State, embracing \$3,445,000, contracted at periods previous to the civil war; \$1,500,000 authorized by the act approved December 15, 1865; \$500,000 by act approved August 12, 1868, and \$1,000,000 by act of December 15, 1871, for the purpose of paying the interest on endorsed bonds, &c., and the \$2,000,000 loaned to the Alabama and Chattanooga Railroad Company. To which may be added \$396,600, the sum of what is known as the Patton tax certificates—non-interest bearing—and we have a total public debt of \$8,743,300, with semi-annual interest thereon of \$699,464.

I must not be understood by this computation as repudiating the State's obligation to her domestic funds, such as the University and School funds.

Again ignoring the policy of the endorsement system, I recommend earnestly an exact and faithful observance of all the State's obligation authorized by constitution and law. The public credit of Alabama has always occupied a proud and elevated place in the financial registers of the world, and it should be scrupulously preserved. No unworthy pretext should be permitted to seduce us into a violation of our pledged faith. Misfortunes may interfere with, and excuse punctuality, but can never justify an abandonment of our obligations. Adversity has visited her, but has not deprived the State of her native wealth, and fidelity to her promises in a season of poverty will only shine the brighter in the days of her prosperity. I urge immediate provision to meet all her unpaid liabilities at the earliest possible day. Procrastination will only tend to increase the burden. Indeed, our whole financial condition urgently demands your calm and prudent action, for it cannot be disguised that the State is threatened with the gravest fiscal embarrassments, unless adequate remedies are promptly adopted. The present administration has had to contend with a ceaseless succession of demands without means sufficient to satisfy them. On my accession to office, I found the treasury containing the trifling pittance of sixteen hundred and forty dollars and twenty cents (\$1,640 20), with a very large amount of demands upon it unprovided for. These, added to the current appropriations and necessary expenditures, have greatly transcended the income of the government. It is due to you, to the people, and to the administration to assign the causes of the deficiency. By reference to the Auditor's Report for the year 1871, it appears that the expenditures of that year exceeded the receipts by the sum of \$217,622 32, while the same officer's report for the present year shows an excess of \$197,507 81, together with the sum of \$346,475 35, leaving the enormous sum of \$543,983 16 to be paid out of the receipts of the present year. This financial condition arises from no new or extraordinary application of the funds, but simply from the inequality of the receipts with the ordinary disbursements, and it occurred under a taxation fifty per cent. higher than that of the fiscal year just closed, and when the income amounted to \$1,378,168 00. The aggregate receipts for the year 1871 and 1872 amounted to

\$2,260,064 68, while the amount paid on account of public schools was \$1,094,390 56, and \$700,000 in payment of the interest on the bonded debt. Thus it will be observed that the public schools and interest on the bonded indebtedness absorbed the greater portion of the entire income of the State, with \$317,573 35 alleged to be still due on school account.

It may be asked why this deficit should have occurred during the present administration, while the preceding administration escaped it. This is easily explained. In 1868 the treasury received from the sale of 8 per cent. bonds \$556,468 46, and in 1869 \$498,648 04, and transmitted a very large amount of claims to be paid by this administration without auxiliary sources from bonds or loans to discharge them. It may not be improper at this point to call your attention to the fact that no money has been drawn from the treasury to pay interest on railroad bonds, or for any purpose connected with railroads.

At the last session of the Legislature, and by act approved December 15, 1871, one million dollars of bonds were authorized to be issued. These bonds were executed in accordance with law, payable in the currency of the United States, bearing 8 per cent. interest, and placed in the hands of Lehman, Durr & Co., the Fiscal Agents of the State, for sale. It was soon discovered that on account of the depressed condition of the money market, as well as the cloud resting on Southern securities generally, they would not command a fair price, at least such a price as I considered equivalent to their value. From accounts rendered by Lehman, Durr & Co., and Duncan, Sherman & Co., herewith transmitted, you will ascertain the disposition of said bonds, as well as all moneys arising therefrom. In all my monetary necessities and transactions Duncan, Sherman & Co., the Financial Agents of the State in the city of New York, have exhibited a solicitude and willingness to aid me and maintain the credit of the State, meriting the highest praise and lasting gratitude of the people of Alabama. To maintain the State's credit they have at all times exhibited a solicitude of a higher and more disinterested character than that which ordinarily actuates a mere agent.

To Lehman, Durr & Co., the home Fiscal Agents of the State, a grateful recognition of their services and earnest efforts in our behalf is justly due. Whenever it

has been necessary and possible their assistance has been promptly and adequately rendered, while their official duties as Fiscal Agents have been efficiently and faithfully discharged.

The reports of the Auditor and Treasurer will exhibit in detail the transactions of their respective offices during the past fiscal year. These offices have been examined by commissioners appointed under section 70 of the Revised Code, whose reports submitted to this Department establish the efficiency with which their administration has been conducted. The Auditor has elaborated many questions of policy which will engage your deliberations. His views may not in all cases command your approval, yet many of his suggestions are worthy your consideration.

The treasury office has throughout the two years of this administration given many gratifying proofs of the solicitude, both of the excellent chief officer and his worthy assistant, to guard the fiscal interest of the State, and to uphold the effort of the Executive to maintain our public credit.

The Report of the Superintendent of Public Instruction is herewith transmitted for your inspection. That officer has been burdened with duties, the onerous character of which he alone can justly and adequately estimate. There is no department of the government whose workings and administration address themselves so directly to the feelings, I may add, the prejudices, of the popular heart. To manage an enlarged school system successfully, and satisfactorily to all classes, communities and sections of the State, is an achievement within the power of few officers, if at all possible. The present Superintendent has labored diligently and zealously to render the common schools efficient, and fruitful of good to the people; and wherever he has failed the failure may be safely ascribed to the faults of the system.

No educational system can succeed unless it is firmly established in the popular heart, and sustained by popular approbation—unless supported and cherished, instead of being neglected and the constant subject of complaint, it becomes an incubus upon the mental development of the masses. There is much reason to fear that the Common School System of this State has failed to accomplish its grand mission, and if not modified at an early day,

will prove an entire failure. Its framework is the creature of the constitution, and, therefore, cannot be reached by legislation. Amendments of the constitution, whenever practicable, should be submitted to the people, not to destroy, but to make a better and more effective system, and within the financial capacity of the State to maintain.

In accordance with the provisions of a statute enacted at the last session of the General Assembly, an Agricultural and Mechanical College has been established and organized at the town of Auburn, in the county of Lee. A Board of Directors, composed of some of the most experienced citizens of the State, overlook its interests and management. A competent corps of professors have been chosen, under whom the institution promises prosperity and usefulness.

The funds for the maintenance of the college are derived from the sale of land scrip donated for that purpose by the Government of the United States. The Scrip, as the General Assembly at its last session was informed, was disposed of at the price of two hundred and sixteen thousand dollars which amount has been paid. By act approved, the money so derived was required to be invested in the eight per cent. bonds issued under the act approved.

Prior to the passage of the last named act, the Auditor as shown by his report had invested a part of the fund in bonds to the value of \$59,500 00, and of the remainder of the fund the financial agents, Duncan, Sherman & Co., hold \$159,000 00, of said bonds making an aggregate of \$218,500 00. Eight per cent. interest bearing bonds, with coupons due July 1872. I considered the law of — 1872, — as contemplating an investment at par, and as the bonds were in New York, I considered this special deposit with the financial agents, as the safe and proper course. The money arising therefrom has been properly credited in the financial account of the State by this Department.

The report of the Warden and Inspectors will exhibit the condition of the penitentiary. Pursuant to law the convicts have been hired out. The policy of the system should be enquired into at the present session. It invokes grave questions which investigation alone can determine, and I urge it upon your immediate considera-

tion. I refrain from enlarging this communication with details already embodied in said report.

Reports from the various public institutions of the State will be transmitted as soon as received at this Department.

I also transmit papers connected with the swamp lands, showing the acts of the commissioners and agents which will guide you in any inquiry or legislation you may institute with regard to them. An amount of money has been realized from a sale of a portion of said lands which has been certified into the treasury, as will more fully appear from the reports of the Auditor and Treasurer.

In my last annual message I communicated to the General Assembly a detailed narrative of the complication, and embarrassments, in which the State had been involved by the failure of the Alabama and Chattanooga Railroad Company to pay the interest due on bonds for the payment of which the credit of the State had been pledged by endorsement. To extricate the State from these embarrassments I have worked constantly and earnestly and have been animated with the hope that I had succeeded and would have the pleasing satisfaction of announcing to the present Legislature a complete settlement of the vexing question. In this I have been somewhat disappointed, yet I trust that what has been accomplished will enable my successor to bring it speedily to a successful and satisfactory conclusion. I will here endeavor to present clearly but concisely the history of my most important acts in this connection since my last message on the subject.

The interest on the endorsed bonds of this company falling due on the 1st of January and July 1871, I had caused to be paid in pursuance of an act providing for such payment. Under the provisions of the same act I paid the interest which became due on the 1st day of January, 1872. This I believed it to be my duty to do; my intention to pay this interest was explicitly declared in a special message transmitted to the General Assembly at its last session and previous to the payment. The money used to pay it was furnished by Lehman, Durr & Co., fiscal agents on my order, to Duncan, Sherman & Co., all of which will appear from their accounts.

Under a decree of the bankrupt court, the Alabama &

Chattanooga Railroad was sold at public auction and for and on behalf the State I bought it at the price of \$312,000 00.

To vest the legal title in the State was in my opinion indispensable to secure the State against the loss of her rights and liens.

Of the three hundred and twelve thousand I paid the assignees in bankruptcy one hundred thousand dollars which I raised by temporary loan. The balance yet remains unpaid. The Honorable Richard Busteed, Judge of the District Court of the United States sitting in cases of bankruptcy, on application and proper representations extended the time of payment of the balance of said purchase money. Authorized by the same legislative act, I offered the road for sale on such terms as the value of the property dictated and I believed would meet the approval of the people. I encountered great difficulties at every step of my negotiations, especially because of the complication in which it was involved. Two suits were pending in the circuit court of the United States which deterred capitalists from risking liabilities so large in their amount, without security from the peril which the lawsuits threatened to the title I might be able to convey. One of the suits alluded to aimed at the overthrow of the bankrupt proceedings and the consequent destruction of the legal title which the State acquired by the purchase at said sale. The other suit had for its object the withdrawal of the road from the control of the bankrupt court and to transfer it to receivers. The actors in these suits were in fact the bankrupts themselves who sought to defeat the rights, liens and possession of the State.

In addition to these, other obstacles of a grave character opposed my efforts to effect a sale. The State of Georgia asserted a lien over that portion of the road recognized by the bankrupt court within her limits and had seized it. I had neither the right nor power to forcibly take possession of that portion; satisfaction of the claim of Georgia was therefore necessary to enable me to put a purchaser in possession of the entire road. To overcome so many serious difficulties seemed impossible; yet the deterioration of the property, the constantly accumulating interest on the bonds and the vast injury which the country through which the road run was suffering from its irregular operations, all these urged,—de-

maded a disposition of it, even if that disposition incurred some sacrifice on the part of the State. Parties were at length found who agreed to form a company to purchase it on the following terms:

1. To assume the payment of the endorsed bonds \$4,720,000.

2. To pay all future accruing interest.

3. To secure by first mortgage bonds running twenty years all past due interest on said endorsed bonds.

4. To pay \$212,000 due to the assignees in bankruptcy.

5. To refund the hundred thousand dollars paid the said assignees by the State.

6. To pay the further sum of \$58,000 to aid in defraying the expenses incurred by the State in and about the road.

These terms were offered and I agreed to accept them, but before the consummation of the agreement a decree was rendered by Judge Bradley, one of the justices of the Supreme Court of the United States sitting as Circuit Judge confirming in substance the bankrupt court proceedings in the matter of the Alabama and Chattanooga Railroad Company, the validity of the sale and therein the legal title of the State and in express language the liens of the State, and the right to assert them as well as to use all the summary remedies provided by the endorsement laws. Thus far the decree was most excellent in its effect upon the interests of the State. The establishment of her liens was result paramount to all other considerations in value, and greatly to be desired. The validity of the State's lien had been strenuously assailed by both the bankrupt company and second mortgage bond holders. If their struggle to destroy it had succeeded the State would have been compelled to bear the burden of endorsement—the liability to pay the principal and interest of the money that built the road while the bankrupt enjoyed the property. The State was not directly or indirectly a party to the proceedings on which led to Judge Bradley's decree, was not present at its rendition, nor in any manner participated therein, yet I cannot but think that it will prove of the greatest advantage in settling forever the validity of the liens secured by the endorsement laws. The said judge appointed two Receivers to take possession of the road, and gave them power to take possession of it from Chat-



tanooga to Meridian, but provided in the decree that said Receivers should surrender it to any parties to whom the State of Alabama should sell. The appointment of Receivers was designed to effect a delivery of the entire road and movable property belonging to it to the purchaser without molestation or hindrance, which experience has proven to have been judicious and necessary. The decree invested the Receivers with power to raise \$1,200,000 by mortgage on the road to complete its construction and amply equip it. The accompanying copy of the said decree is herewith transmitted.

The receivers have taken possession of the road, repaired and put it in operation throughout its entire length. The purchasers, in accordance with agreement, paid to my agent, Col. Gindrat, seventy-five thousand dollars, part of the \$158,000 to be paid in cash to the State, promising to pay the balance in a short time. This they have failed to do. Neither have they complied with the other stipulations of the contract. No conveyance has been made to them.

This is briefly a statement of the main transactions of this department connected with the Alabama and Chattanooga Railroad. To have given a minute history of this matter would have extended this communication far beyond justifiable limits.

In my labors and efforts to protect the State and her interests in this railroad, the assistance of the most eminent counsel was needed and employed, to whose ability and devotion I am eminently indebted for my triumph over my multiplied and in many instances most unscrupulous adversaries. I had to contend against litigation in the courts of Tennessee, Georgia and Mississippi, as well as Alabama, in any one of which defeat would have been disastrous to the State. In Tennessee, Col. John Baxter; in Georgia, Nesbet and Jackson, and the late Hon. Wm. Dougherty; and in Alabama, Pettus & Dawson, Stone & Clopton, and Watts & Troy, were the attorneys employed and their compensation will be presented for your action and allowance. I recommend a special committee for the ascertainment of their fees as well as to inquire into indebtedness due to certain employees which the income of the road was insufficient to meet during the time it was operated under the authority of the State. The reports of Col. Gindrat and Col. Harding

who superintended its management at the time will guide the action of the committee.

Whatever has been done in connection with this Alabama and Chattanooga Railroad by the present Executive, it has always been prompted by a deep, earnest desire to vindicate and protect the rights and interests of the State, and I leave it with the reflection that at all times and under all opposing circumstances I have inflexibly, anxiously and vigilantly pursued that object alone—the protection of the interests of Alabama.

Gentlemen, in conclusion, permit me to express the hope that your legislative labors will be prosecuted with harmony, wisdom and patriotism, under the beneficent guidance and influence of Divine Providence.

ROBT. B. LINDSAY.

Upon motion of Mr. Murphree, one thousand copies of the Governor's message, with the accompanying documents, were ordered to be printed.

By leave, Mr. Manning introduced a bill—

In relation to the board of commissioners to improve the river, harbor, and bay of Mobile.

Which was read three times under a suspension of the constitutional rule, and passed.

And was ordered to the Senate forthwith without engrossment.

#### CALL OF THE COUNTIES.

Upon the call of the counties, a bill was introduced by Mr. Jones—

To confer jurisdiction upon the chancery courts of the State to relieve minors over eighteen years of age from the disabilities of non-age.

Which was read once, and ordered to a second reading.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
Nov. 23, 1872. }

*Mr. Speaker :*

The Senate has passed

## HOUSE BILL

In relation to the board of commissioners to improve the river, harbor and bay of Mobile.

MIKE L. WOODS,  
Sec'y of Senate.

On motion of Mr. Mancill,

The House took a recess until five minutes to 12 o'clock.

At five minutes to 12 o'clock the House was called to order by the Speaker.

The hour of 12 o'clock having arrived,

The two houses met in joint convention for the purpose of proceeding with the opening and publishing the vote for executive officers, pending at the hour of adjournment on yesterday.

The President of the Senate, Lieutenant Governor Edward H. Moren, stated that he had received a dispatch from the board of supervisors of Dallas, stating that there was a mistake in the returns sent up, in the vote for Auditor, and that a corrected return had been forwarded by a messenger; and also stated that he had received another dispatch, saying that the messenger with the corrected returns had been delayed by an accident on the railroad, and that he could not reach here before 12 o'clock to-day.

On motion of Mr. Manning,

The Joint Convention adjourned until this evening, 4 o'clock.

The House adjourned until this evening, 3½ o'clock.

---

AFTERNOON SESSION.

The House met pursuant to adjournment.

By leave, Mr. Brown of Tuskaloosa introduced a bill—

To repeal an act to provide for the election of marshal of the city of Tuskaloosa, approved February 21st, 1870, and amendatory thereof.

Which was read three times, under a suspension of the constitutional rule, and passed.

And ordered to the Senate forthwith.

## JOINT CONVENTION.

The hour of 4 o'clock having arrived,

The Joint Convention of the two houses met in the hall of the House, pursuant to adjournment, for the purpose of proceeding with the opening and publishing the votes for the executive officers of the State.

The President of the Senate, Edward H. Moren, Lieutenant Governor of the State of Alabama, stated that he had received a corrected return of the vote of Dallas county, as follows :

*For Governor.*

Thomas H. Herndon.....	1,984
David P. Lewis.....	7,065

*For Lieutenant Governor.*

E. H. Moren.....	1,983
Alex. McKinstry.....	7,068

*For Secretary of State.*

Jabez J. Parker.....	1,982
Pat. Ragland.....	7,065

*For Auditor.*

Thos. J. Burnett.....	1,981
Robert T. Smith.....	7,060

*For Treasurer.*

James F. Grant.....	1,983
Arthur Bingham.....	7,068

*For Attorney General.*

John W. A. Sanford.....	1,977
Benjamin Gardner.....	7,070

Lieutenant Governor E. H. Moren, President of the Senate, then published the aggregate vote as follows :

*For Governor.*

Thomas H. Herndon.....	81,371
David P. Lewis.....	89,878

*For Lieutenant Governor.*

Edward H. Moren.....	81,459
Alexander McKinstry.....	89,569

*For Secretary of State.*

Jabez J. Parker.. ..	81,498
Pat. Ragland....	89,447

*For Auditor.*

Thomas J. Burnett.....	81,354
Robert T. Smith.....	89,509

*For Treasurer.*

James F. Grant.....	81,423
Arthur Bingham.....	89,613

*For Attorney General.*

John W. A. Sanford.....	81,400
Benjamin Gardner.....	89,545

And that Mr. David P. Lewis having received a majority of all the votes cast for Governor, is declared duly and constitutionally elected Governor for the term prescribed by law.

That Mr. Alex. McKinstry, having received a majority of all the votes cast for Lieutenant Governor, is declared duly and constitutionally elected Lieutenant Governor for the term prescribed by law.

That Mr. Pat. Ragland having received a majority of all the votes cast for Secretary of State, is declared duly and constitutionally elected Secretary of State for the term prescribed by law.

That Robert T. Smith having received a majority of all the votes cast for Auditor, is declared duly and constitutionally elected Auditor for the term prescribed by law.

That Mr. Arthur Bingham having received a majority of all the votes cast for Treasurer, is declared duly and constitutionally elected Treasurer for the term prescribed by law.

That Mr. Benjamin Gardner having received a majority of all the votes cast for Attorney General, is declared duly and constitutionally elected Attorney General for the term prescribed by law.

Mr. Manning offered the following resolution, which was adopted :

*Resolved by the Senate and House of Representatives of the State of Alabama,* That a joint committee of three members of the Senate and three members of the House, be appointed by the chair to wait upon the Hon. David P. Lewis, of Madison county, and inform him that the Hon. Edward H. Moren, Lieutenant Governor of the State, and presiding officer of the Senate, proceeded on Friday, the 22d day of November, inst., at 12 o'clock, meridian, in the presence of a majority of the members of the General Assembly of Alabama, convened in the hall of the House of Representatives, at the Capitol, and continued to this day, to open and publish the returns of the recent election for Governor and other officers of the State, and that thereupon it has been ascertained that he, the said David P. Lewis, received the highest number of votes for the office of Governor, and has been declared duly elected Governor of the State of Alabama for the term prescribed by the constitution.

*Resolved further,* That said joint committee be instructed to inquire when it will be the pleasure of the Governor elect to take the oath of office, and enter upon the discharge of his duties.

*Resolved further,* That said committee be instructed to wait upon the Hon. Alex. McKinstry, of the county of Mobile, and inform him in like terms of his election to the office of Lieutenant Governor, and to inquire when it will be his pleasure to take the oath of office, and enter upon the discharge of his duties.

*Resolved further,* That the Senators on said committee report to the Senate, and the members of the House of Representatives on said committee be instructed to report to the House of Representatives.

On motion,

The Joint Convention adjourned.

And the Senators retired to their chamber.

The Speaker appointed on committee to wait on the Governor and Lieutenant Governor elect, under the resolution of the Joint Convention—Messrs. Manning, Whitfield and Boyd.

Mr. Anderson introduced the following

JOINT RESOLUTION,

which was adopted :

*Resolved by the General Assembly of Alabama, That a joint committee of three on the part of the Senate, and five on the part of the House of Representatives, be appointed to prepare an address to the people of the State, setting forth the facts and circumstances attending the organization of the General Assembly, by which its action has been retarded and embarrassed.*

Messrs. Anderson, Whitfield, Manning. Cowan and Gresham were appointed said committee on the part of the House.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
Nov. 23, 1872. }

*Mr. Speaker :*

The Senate has passed House bill—

To repeal an act to provide for the election of a marshal of the city of Tuskaloosa, approved February 21, 1870, and amendatory thereof.

And has appointed

Messrs. Martin of Tuskaloosa, Ervin and Cobb the committee on the part of the Senate, under the resolution adopted by the joint convention.

The Senate has also concurred in the joint resolution appointing a joint committee to prepare an address to the people of Alabama, setting forth the facts and circumstances attending the organization of the General Assembly, &c.

The committee on the part of the Senate are Messrs. Hamilton, Parks and Carmichael.

MIKE L. WOODS,  
Sec'y of Senate.

Mr. Manning, from the joint committee to inform the Hon. David P. Lewis and Hon. Alexander McKinstry of their election as Governor and Lieutenant Governor, respectively, and inquire when it would be their pleasure to take the oath of office and enter upon the discharge of the duties of their respective offices, reported that the committee had performed that duty; and that the Governor elect thanked the committee for their communication, and said that he could not now definitely answer their inquiry; that it was known to us all that there were in the city two rival organizations, each claiming to be the legitimate General Assembly of Alabama, between which it was hoped a reconciliation might be effected; and that he therefore deferred making any answer until Monday.

Whereupon, the committee delivered to the Governor elect a written communication, together with, and as part of it, a copy of the first two resolutions under which the committee was constituted and acted.

To a similar oral communication made by the committee to the Lieutenant Governor, he replied, thanking the committee, and informing them that he was not prepared to answer their inquiry until he had conferred, as he thought proper to do, with the Governor elect, but that he would answer them by or before Monday morning.

To him, also, the committee then gave a written communication setting forth the instructions under which they acted.

On motion of Mr. Cowan—

The House adjourned until Monday morning 10 o'clock.

MONDAY, November 25, 1872.

The House met pursuant to adjournment.

Prayer by Mr. Howell of the House.

Upon a call of the roll, the following members answered to their names:

Messrs. Speaker, Ash, Barnett, Barrow, Boyd, Broadnax, Brewer, Brown of Tuskaloosa, Brown of Jackson, Chapman, Clopton, Cody, Cowan, Corsbie, Crawford, Dent, Draxler, Elliott, Franklin, Galaspie, Greene, Gresham, Hamilton, Howell, Jones, Kelly, Kimbrough, Lawrence, Mancill, Manning, Musgrove, McCoy, McHugh, McNeil, Morgan, Murphree, Peddy, Renfroe, Slater,



Smith of Tallapoosa, Smith of Bibb, Stallworth, Stribling, Taylor, Vaughn, Weatherford, Whatley, Whitfield, White, Williams and Wilkinson—51.

Journal of yesterday was read and approved.

Mr. Dent presented the credentials of Mr. Harrison Purcell, member elect from the county of Henry.

Mr. Purcell came forward, enrolled his name, and having been duly sworn, took his seat as a member of the House of Representatives.

#### CALL OF THE COUNTIES.

By Mr. Renfroe—

A bill to relieve W. Hindman, a confirmed invalid of Calhoun county, from obtaining license to peddle;

Which was read once and ordered to a second reading.

#### GENERAL ORDERS.

The bill to confer jurisdiction upon the chancery courts of the State to relieve minors, over eighteen years of age, from the disabilities of non-age,

Was read a second time and referred to the Judiciary Committee, when raised.

The bill to amend an act entitled an act to amend section 11 of an act to furnish the aid and credit of the State of Alabama, for the purpose of expediting the construction of railroads within this State,

Was read a second time and referred to the Committee on Internal Improvements, when raised.

Mr. Manning offered the following resolution:

WHEREAS, it has been the policy of this House to proceed in order, and according to law, in all its action, and it has desired to do right to all persons that might claim to be members thereof;

And whereas, it has been represented that the gentlemen holding seats as representatives from Barbour county and Marengo county are not entitled to occupy such seats, but no other persons claiming to be entitled have appeared to contest the right of the gentlemen now seated;

And whereas, in the first instance, the right to a seat in this House depends upon the person applying therefor having a certificate of election of the Secretary of State, founded on the returns of the elections made to that officer by the board of supervisors of the county of which such

person claims to be a representative, which evidence the gentlemen now occupying the seats for those counties did produce ;

*Therefore be it resolved*, That a committee of five members of the House be appointed by the Speaker, that without going into an investigation of the facts and circumstances of the election of such representatives,—which can not properly be done without giving contestants notice, and an opportunity to prove their allegations—shall examine the returns and papers relating thereto in the office of the Secretary of State in respect to the representatives of Barbour county and Marengo county, and report the facts thereof to this House, together with the opinion of the committee upon the validity of the certificates to the gentlemen sitting as the representatives for said counties, respectively, as founded upon such returns ; *Provided*, that the ultimate right of any person claiming any of said seats shall not be determined by the action on this resolution.

On motion of Mr. Manning—

The further consideration of the resolution was postponed, and made the special order for 10 o'clock to-morrow morning.

On motion of Mr. Mancill—

The House adjourned until to-morrow morning at 10 o'clock.

TUESDAY, November 26, 1872.

The House met pursuant to adjournment.

Upon a call of the roll, the following members answered to their names :

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Boyd, Brewer, Brown of Tuskaloosa, Brown of Jackson, Chapman, Clopton, Cody, Cowan, Crawford, Dent, Draxler, Elliott, Franklin, Galaspie, Greene, Gresham, Hamilton, Howell, Jones, Kelly, Kimbrough, Lawrence, Lee, Mancill, Manning, Musgrove, McCoy, McHugh, McNeil, Morgan, Murphree, Peddy, Purcell, Renfro, Slater, Smith of Tallapoosa, Smith of Bibb, Stallworth, Stribling, Taylor, Vaughn, Weatherford, Whatley White and Wilkinson—51.

The Journal of yesterday was read and approved.

The House proceeded to the consideration of the resolution offered by Mr. Manning on yesterday, and made the special order for this hour.

Mr. Manning moved to amend said resolution as follows:

Amend by adding after the words "Marengo county" in the resolution, the following: "And any evidence that may be submitted on behalf of those gentlemen."

And strike out of the resolution the words "together with the opinion of the committee upon the validity of the certificates to the gentlemen sitting as representatives, as founded upon such returns."

On motion of Mr. Boyd—

The further consideration of the resolution and amendment was postponed and made the special order for to-morrow 12 o'clock.

On motion of Mr. Brown of Jackson—

The House adjourned until to-morrow at 10 o'clock.

WEDNESDAY, November 27, 1872.

The House met pursuant to adjournment.

Prayer by Mr. White of the House.

The roll was called and the following members answered to their names:

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Boyd, Broadnax, Brewer, Brown of Tuskaloosa, Brown of Jackson, Chapman, Clopton, Cody, Crawford, Dent, Draxler, Elliott, Franklin, Galaspie, Greene, Gresham, Hamilton, Howell, Jones, Kelly, Kimbrough, Lawrence, Lee, Mancill, Musgrove, McCoy, McHugh, McNeil, Morgan, Murphree, Peddy, Purcell, Renfroe, Slater, Smith of Tallapoosa, Smith of Bibb, Stallworth, Stribling, Taylor, Vaughn, Weatherford, Whatley, White, Williams and Wilkinson—52.

Journal of yesterday read and approved.

Upon a call of the counties Mr. Anderson introduced a bill—

For the relief of Rosa Young of Hale county;

Which was read once.

Mr. Boyd moved to indefinitely postpone the bill.

The vote was taken by yeas and nays and resulted as follows:

Those voting in the affirmative are—

Messrs. Barnett, Boyd, Cowan, Elliott, Franklin, Galaspie, Hamilton and Kelly.

Yeas 8.

Those voting in the negative are—

Messrs. Speaker, Anderson, Ash, Barrow, Broadnax, Brewer, Brown of Tuskaloosa, Brown of Jackson, Chapman, Clopton, Cody, Crawford, Dent, Draxler, Greene, Gresham, Howell, Jones, Kimbrough, Lawrence, Lee, Mancill, Manning, Musgrove, McCoy, McHugh, McNeil, Morgan, Murphree, Peddy, Purcell, Renfroe, Slater, Smith of Tallapoosa, Smith of Bibb, Stallworth, Stribling, Taylor, Vaughn, Weatherford, Whatley, White, Williams and Wilkinson.

Nays 44.

Which motion was lost.

The bill was ordered to a second reading.

Mr. Chapman introduced a bill—

To regulate the sessions and practice of the circuit court of the county of Clarke.

Which was read once and ordered to a second reading.

#### GENERAL ORDERS.

The bill to relieve W. Hindman, a confirmed invalid of Calhoun county, from obtaining license to peddle.

Was read a second time.

Mr. Elliott moved to amend by adding the name of Eli S. Bentley of Shelby county, which was lost, and the bill was referred to the committee on Local Legislation, when raised.

The hour of 12 o'clock having arrived, the House proceeded to the consideration of the amendment to the constitution offered by Mr. Manning, which was made the special order for this hour.

On motion of Mr. Boyd the resolution, and the amendment, were indefinitely postponed.

By leave, Mr. McCoy offered the following resolution, which was adopted :

*Resolved*, That it is the sense and request of this body that the Speaker of the House of Representatives proceed immediately in the appointment of the several committees necessary to be raised for the more permanent organization and the facilitating of the business of this House.

On motion of Mr. Jones, the vote by which the above resolution was adopted was reconsidered, and the resolution was laid on the table.

On motion of Mr. Boyd, the vote by which the resolution and the amendment offered by Mr. Manning were indefinitely postponed was reconsidered, and the resolution and the amendment were laid on the table.

The House adjourned until this evening, half past three o'clock.

---

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

On motion of Mr. Cowan—

The House adjourned until to-morrow morning, at 10 o'clock.

---

#### THURSDAY, November 28, 1872.

The House met pursuant to adjournment.

Prayer by Mr. McCoy of the House.

Mr. Manning moved that this being the day set apart by the Governor of the State as a day for Prayer and Thanksgiving, that this House do now adjourn without reading the minutes of yesterday or transacting any business.

Which motion prevailed.

And the House adjourned until to-morrow morning at 10 o'clock.

---

#### FRIDAY, November 29, 1872.

The House met pursuant to adjournment.

Prayer by Mr. Howell of the House.

The roll was called and the following members answered to their names:

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Brewer, Boyd, Broadnax, Brown of Tuskaloosa, Brown of Jackson, Chapman, Clopton, Cody, Cowan, Crawford,

Dent, Draxler, Elliott, Franklin, Galaspie, Green, Gresham, Hamilton, Howell, Jones, Kimbrough, Lawrence, Lee, Mancill, Manning, Musgrove, McCoy, McHugh, McNeil, Morgan, Murphree, Peddy, Purcell, Renfro, Slater, Smith of Tallapoosa, Smith of Bibb, Stallworth, Stribling, Taylor, Vaughn, Weatherford, Whatley, White, Williams, and Wilkinson—51.

Journal of Wednesday 27th, and Thursday 28th read and approved.

Upon the call of the counties, the following bills were introduced :

By Mr. White, a bill—

To require the Treasurer of this State to keep the school funds separate and distinct in the Treasury.

By the same, a bill—

To authorize the Governor to make such negotiations as may be necessary to secure and maintain the par value of the State money, or certificates.

Which were severally read once and ordered to a second reading.

#### GENERAL ORDERS.

The Bills—

To regulate the sessions and practice of the circuit court of the county of Clarke.

For relief of Rosa Young of Hale county.

Were severally read the second time and referred to the Committee on Local Legislation, when raised.

On motion of Mr. Manning the House went into secret session.

Mr. Manning presented the following communication :

EXECUTIVE DEPARTMENT, }  
Montgomery, Ala., November 25, 1872. }

*Messrs. Martin and Others :*

GENTLEMEN:—I have the honor to acknowledge your communication of the 23d instant, notifying me that you had been appointed a joint committee of the Senate and House of Representatives, in session at the Capitol, to wait on me and inform me of my election to the office of Governor of the State of Alabama, and to inquire when it will be my pleasure to take the oath of office and enter

upon the discharge of my duties as Governor. Your communication also contains a certified copy of the resolutions instructing you so to do.

In reply, I beg to inform you that I have this day taken the oath of office prescribed by the constitution before an officer authorized by law to administer the same, and have entered upon the discharge of the duties incumbent on me as the chief executive officer of the State of Alabama.

I am denied the pleasure customary on induction into office of meeting the General Assembly of the State harmonious as an integral body, distinct only in the two Houses which compose it as a Constitutional Assembly. For the first time in the history of our State, two bodies of men are assembled in the city of Montgomery, each claiming to be the General Assembly of the State of Alabama, meeting at different places, having different officers, and each claiming a constitutional quorum of members, elected by a lawful majority of their respective constituents.

The length of time which this anomaly has existed leaves no room for me to hope that these claims can be adjusted by agreement between the bodies themselves. Such a triumph of reason and conciliation would have afforded a guarantee of harmony in future action that would have been most gratifying to every right-minded man in the State. It is the absence of this and kindred circumstances that adds pain to the unpleasant duty now devolved upon me to determine by Executive recognition which of the two bodies is the Constitutional General Assembly of the State of Alabama.

I deem it my duty in the solution of this question to determine it upon such evidence as would be viewed and acted upon on a contest for seats before either branch of the Legislature, or before a court of last resort, so far as the same is attainable, and to be guided by the principles of law applicable to the same.

The right of a citizen to a seat in the General Assembly is derived from his having received the votes of a majority of the electors of the county or district which he claims to represent.

Representative government can rest on no other basis which can secure it integrity and perpetuity, and all laws which are enacted to arrive at this result are merely directory in their construction, and auxiliary in establish-

ing the foundation of the right to act as such representative. A *prima-facie* claim of right must yield to evidence which rebuts it, and no technical rules can be invoked which will exclude any evidence which is pertinent and competent in establishing the issue. Courts, in their investigation of facts, are limited in the admission of evidence only by its pertinency and competency, unless forbidden by some positive law demanding its exclusion. And in this case, when the fact to be ascertained is no less momentous than whether the people are represented by those who have received the votes of the majority of the electors whom they claim to represent, the final decision of the question by *prima-facie* evidence when other proof is attainable, or by any technical rules which subordinate the essential fact in issue, would only invite the subtlety of fraud to strangle the fundamental right of representative government in the meshes of its ingenuity.

It is time that the means possessed by this department of ascertaining the evidences necessary to its action are limited and imperfect. The necessity for prompt action and the want of power precludes a full investigation and legislative action for contesting disputed seats, will afford a means of rectifying any error, in the indispensable action demanded at my hands. The action of this department, by its recognition, only renders the body so recognized, *de facto*, the General Assembly of the State. The form for contesting the ultimate right to seats is elsewhere. The two bodies claiming each to be the General Assembly of Alabama, are in different buildings in the city of Montgomery, the one in the rooms of the Capitol usually occupied by the Senate and House of Representatives, and the other body is assembled in the United States Court Room, in a different building, in the city of Montgomery. The building in which the respective bodies assemble is of no significance in determining that either body is or is not the General Assembly. The constitution is silent as to where the General Assembly shall meet. The statute now in force only declares that it shall meet in the city of Montgomery, and the statutes in force when the capitol of the State was located at Cahaba and Tuscaloosa, respectively, only directed that the General Assembly should meet in those towns, not desig-



ing any building in which the same must meet. In point of fact, the General Assembly has met in this city in a building other than the Capitol, on the occasion of the building being burned, and the wisdom of the law, as it is, is vindicated by the circumstances attending the present exigency. If the law constituting the General Assembly rendered the building in which it convened essential to the legal validity of the body cases might arise, in which physical contest for the possession of the building could hardly be avoided, in the heated rivalry of the two bodies, each asserting its own claims. The essential question is, which of the two bodies has a quorum of members in its respective branches, who were elected by a majority of the electors in the counties and districts, which they claim to represent. In the solution of this question, claimants of seats having the certificates of the Secretary of State, who have received the vote of a majority of electors voting in their counties or districts, are the lawful representatives of such communities. The three members from Barbour county and the three members from Marengo are both necessary to the quorum of either body claiming to be the House of Representatives. The House meeting at the Capitol contains these six members with the certificates of the Secretary of State, and has with them fifty-four members, or three over a quorum. The certificates of the Barbour claimants are contradicted by the returns of the Barbour Supervisors now on file in the office of the Secretary of State. Those certificates were issued pending an injunction which restrained the Supervisors from counting a part of the Barbour vote, on partial returns, which are completed, but not until the certificate was issued by the Secretary of State, and the Secretary refuses to issue any other certificate, though the complete returns show the certificates are issued to and held by gentlemen who received a decided minority of the votes of electors voting, as shown by the records in his office. Whatever duties may devolve upon the Speaker of the House upon the presentation of a new certificate, regular upon its face, such a claim of right cannot stand before any tribunal on the facts above stated, whose duty it is to see that the fundamental principles of the representative government are to be practiced.

In respect to the Marengo members in the House at the Capitol, while the members from that county hold certifi-

cates not contradicted by the returns in the office of the Secretary of State, it is beyond dispute that the supervisors cast out about one thousand votes which were polled against the certified members, leaving the majority of votes against these gentlemen, and in favor of the claimants of the seats in the House, assembled at the United States court room, in this city. This presents a case of equal clearness against the certificated members in the House at the Capitol, and the rights of the majority of voters can only be vindicated by a recognition of the right of the gentlemen claiming seats in the House, at the United States court room, based upon the majority of the popular vote. This leaves the body at the Capitol, claiming to be the House of Representatives, with only forty-eight legal members, and it is not a quorum under the laws of the land. And as the constitution expressly declares that a "majority of each House shall constitute a quorum to do business," I find myself unable to recognize the bodies which you represent as the General Assembly of Alabama.

Most sincerely hoping that such a quorum may soon be obtained, I have the honor to be

Your obedient servant,

DAVID P. LEWIS,  
Governor.

Nov. 26, 1872.

On motion of Mr. Boyd, the Hon. E. W. Pettus of Dallas county was elected Chief Sergeant-at-Arms for the House of Representatives, and Messrs. Boyd, Brewer and Renfroe were appointed a committee to notify him of his election.

Mr. Jones offered the following resolution, which was adopted:

*Resolved*, That a committee of five, of which the Speaker shall be one, be raised to consider and report on the communication of Governor Lewis to the committee appointed to wait on him, and to suggest such measures as are demanded by the emergency pressing on us.

Committee, Messrs. Jones, Manning, Taylor, Weatherford and Mr. Speaker.

On motion of Mr. Manning, the Sergeant-at-Arms was instructed to see that the business of this House was not obstructed, and to keep possession of the Hall of the House of Representatives, and if necessary to call on a

*posse cometatus* to assist him in the discharge of his duties.

The House adjourned until to-morrow morning, 10 o'clock.

---

SATURDAY, November 30, 1872.

The House met pursuant to adjournment.  
 Prayer by Mr. Howell, of the House.  
 Journal of yesterday read and approved.

CALL OF THE COUNTIES.

Mr. Jones introduced a bill—

For the relief of Frank M. Dillard from the disabilities of non-age;

Which was read once and ordered to a second reading.

GENERAL ORDERS.

The bill—

To authorize the Governor to make such negotiations, as may be necessary to secure and maintain the par value of the State money or certificates.

Was read a second time and referred to the Committee on Ways and Means, when raised.

Mr. Manning offered the following resolution, which was adopted.

*Resolved*, That a committee of three members of this House be appointed, to act jointly, with a like committee, on the part of the Senate, to prepare, to be submitted to the Government of the United States at Washington, a report of the facts and circumstances, attending the inauguration of this General Assembly, and of the events and facts, which have embarrassed its proceedings and action.

Committee, Messrs. Manning, Taylor and Hamilton.

Mr. Jones offered the following

JOINT RESOLUTION ;

Which was adopted.

WHEREAS, The General Assembly of Alabama, now convened in accordance with the constitution and laws of Alabama, is holding its session at the Capitol of the State, and whereas, an armed body of United States cavalry, has appeared at the Capitol, and is now encamped some fifty yards distant from the Capitol, and whereas, the Governor of Alabama has not recognized the General Assembly, but recognized another body, not organized and constituted, as required by the constitution and laws of Alabama, as the General Assembly of Alabama, and whereas it is reported from credible sources, that the United States troops, now here are under the order of His Excellency, Governor Lewis; Therefore, be it resolved, (the Senate concurring), that a committee of two on the part of the House, and one on the part of the Senate be appointed to telegraph the facts to the President of the United States, and request of him to know the purposes, for which the troops have been sent here, and request him to have them withdrawn.

Committee—Messrs. Jones and Purcell.

Mr. Boyd offered the following resolution, which was adopted.

*Resolved*, That the chief sergeant-at-arms of the House of Representatives of this General Assembly is hereby instructed, and authorized to maintain possession of this Hall, during the sessions of this General Assembly, and is authorized and empowered to summon to his assistance, a sufficient number of the citizens of the State, for the due performance of the duties of his office, whenever in his opinion, it may become necessary, and that he is further authorized to call upon the Federal authorities, or any Commander of Federal troops, for assistance in the performance of these duties.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, )  
November 30, 1872. }

*Mr. Speaker :*

The Senate has originated and passed a bill—

To protect and encourage the manufacture of iron and for other purposes.

The Senate has also adopted the accompanying

## JOINT RESOLUTION,

And has appointed the following as the committee on the part of the Senate under the resolution—

Messrs. Hamilton, Martin of Tuskaloosa, and Robinson.

MIKE L. WOODS,  
Sec'y. of Senate.

Senate joint resolution accompanying the above message.

*Resolved*, (The House of Representatives concurring), That a joint committee of the two Houses of the General Assembly, be appointed to consist of three from the Senate, and five from the House, to communicate to His Excellency, the President of the United States, by telegraph, the precise facts attending the organization and action of the General Assembly to this date, and the obstacles which have been, and are interposed to prevent the exercise of this General Assembly of its powers, under the constitution, and the performance of its constitutional duties, and that said committee be authorized, if they deem it best to communicate with the President of the United States, and the Congress, by address, in the name of the General Assembly, and cause the same to be presented by a proper delegate, to be chosen by said committee.

The House proceeded to the consideration of the above

## JOINT RESOLUTION,

And on motion concurred in the same.

The Speaker appointed the same committee appointed under Mr. Mannings resolution, to-wit :

Messrs. Manning, Taylor and Hamilton, and added thereto Messrs. Brewer, and Brown of Tuskaloosa, as the committee on the part of the House, under the resolution.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, {  
Nov. 30, 1872. }

*Mr. Speaker :*

The Senate has passed

## HOUSE BILL

To amend section nine of an act entitled an act to establish a new charter for the city of Selma, approved December 4th, 1868.

MIKE L. WOODS,  
Sec'y of Senate.

Mr. White offered the following

## JOINT RESOLUTION,

Which was adopted :

*Resolved, By the House of Representatives, the Senate concurring,* That a committee of three from the House, and three from the Senate, be appointed to wait on His Excellency, the Governor, and ascertain from him, whether the United States troops, now stationed near the Capitol, are so stationed by any agency or any act of His Excellency, and if so, what are the purposes, or purpose of His Excellency in the premises.

Messrs. White, Jones, and Franklin were appointed said committee.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, {  
Nov. 30, 1872. }

*Mr. Speaker :*

The Senate has originated and passed a bill to repeal an act to regulate the publication of legal notices, in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale, and Lawrence, approved March 3, 1870, so far as the same relates to the counties of Shelby and Jefferson, and ordered it to be sent forthwith to the House without engrossment.

MIKE L. WOODS,  
Sec'y of Senate.

The House proceeded to the consideration of the Senate bill to repeal an act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence, approved March 3, 1870, so far as the same relates to the counties of Shelby and Jefferson.

And the bill was read three times under a suspension of the constitutional rule and passed.

On motion of Mr. Boyd—

The Clerk of the House was instructed to take the bill to amend section nine of an act to establish a new charter for the city of Selma, approved December 4, 1868, which has passed both Houses, and been signed by the Speaker of the House, and the President of the Senate, *pro tempore*, respectively, and deliver the same to the Governor, for his official action in the premises.

By leave, Mr. Boyd introduced a bill—

To prohibit the payment of taxes into the treasury of the State.

Which was read three times under a suspension of the constitutional rule, and passed, and ordered to the Senate forthwith without engrossment.

The House adjourned until Monday morning 10 o'clock, unless sooner called together by the Speaker.

MONDAY, December 2, 1872.

The House met pursuant to adjournment.

Prayer by Mr. Howell, of the House.

On motion of Mr. Brown of Tuskaloosa—

The reading of the Journal of Saturday was dispensed with for to-day.

Mr. Brown of Tuskaloosa, offered the following

#### RESOLUTIONS ;

Which were unanimously adopted.

WHEREAS, the House of Representatives has just learned, that the Hon. Newton L. Whitfield, a member of this House from the county of Tuskaloosa, departed this life in this city, at two o'clock this morning.

Therefore, *resolved*, That this House learns with the deepest regret and pain of the sudden, and unexpected calamity, which has thus fallen upon the Legislature and upon the State of Alabama.

*Resolved*, That the deceased was recognized as one of the leaders of this House, wise, conservative, and prudent in council, but firm in action—and that his loss to the State is indeed deplorable.

*Resolved*, That we extend to the family of the deceased, our warmest sympathy in their affliction, and that the Clerk of this House be requested to furnish them a copy of these resolutions.

*Resolved*, That the members of this House will wear the usual badge of mourning for thirty days.

*Resolved*, That in honor of the deceased, this House adjourn until to-morrow morning 10 o'clock.

The House under the above resolutions stood adjourned until to-morrow morning 10 o'clock.

TUESDAY, December 3, 1872.

The House met pursuant to adjournment.

Prayer by Mr. Howell of the House.

#### ROLL CALL.

On the call of the roll, the following members answered to their names:

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Brewer, Boyd, Broadnax, Brown of Tuskaloosa, Brown of Jackson, Chapman, Clopton, Cody, Cowan, Dent, Draxler, Elliott, Franklin, Galaspie, Green, Gresham, Hamilton, Howell, Jones, Kelly, Kimbrough, Lawrence, Lee, Manning, Musgrove, McCoy, McHugh, McNeil, Morgan, Murphree, Peddy, Purcell, Renfroe, Slater, Smith of Tallapoosa, Smith of Bibb, Stallworth, Taylor, Vaughan, Weatherford, Whatley, White Williams and Wilkinson—49.

There being no quorum present,

The House adjourned until this evening 3½ o'clock.



## AFTERNOON SESSION.

The House met at the appointed hour.  
 There being no quorum present,  
 On motion of Mr. Manning—  
 The House adjourned until to-morrow 10½ o'clock.

---

WEDNESDAY, Dec. 4, 1872.

The House met pursuant to adjournment.

Prayer by Mr. McCoy, of the House.

Upon a call of the roll the following members answered to their names :

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Brewer, Boyd, Broadnax, Brown of Tuskaloosa, Brown of Jackson, Chapman, Clopton, Cody, Cowan, Dent, Draxler, Elliott, Franklin, Galaspie, Greene, Gresham, Hamilton, Howell, Jones, Kelly, Kimbrough, Lee, Manning, Musgrove, McCoy, McHugh, McNeil, Morgan, Murphy, Peddy, Purcell, Renfroe, Slater, Smith of Tallapoosa, Smith of Bibb, Stallworth, Stribling, Taylor, Vaughn, Weatherford, Whatley, White, Williams and Wilkinson—49.

Mr. Anderson, from the committee on the part of the House, under the joint resolution appointed to prepare an address to the people of the State, reported that the committee had performed that duty, and instructed him to submit the accompanying address.

On motion of Mr. Brown of Tuskaloosa,

The reading of the address was dispensed with, and two thousand copies of the same ordered to be printed for the use of the House.

## JOINT CONVENTION.

The hour of 12 o'clock, meridian having arrived, the members of the two houses convened in the hall of the House, for the purpose of proceeding with the election of a United States Senator for the term beginning on the fourth day of March, A. D. 1873, under the act of Congress, approved July 26th, 1866.

The President of the Senate ordered a call of the roll

of the Senate, and the following Senators answered to their names :

Messrs. President, Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Hewitt, Jones, Mabry, Martin of Conecuh, Martin of Tuskaloosa, Parks, Robinson, Snodgrass, Terrell and Walton—18.

The Speaker of the House ordered a call of the roll of the House, and the following members answered to their names :

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Boyd, Brewer, Brown of Jackson, Brown of Tuskaloosa, Broadnax, Chapman, Clopton, Cody, Cowan, Dent, Draxler, Elliott, Franklin, Galaspie, Greene, Gresham, Hamilton, Howell, Jones, Kelly, Kimbrough, Lee, Manning, Musgrove, McCoy, McHugh, McNeil, Morgan, Murphree, Peddy, Purcell, Renfroe, Slater, Smith of Tallapoosa, Smith of Bibb, Stallworth, Stribling, Taylor, Vaughn, Weatherford, Whatley, White, Williams and Wilkinson—49.

The Secretary of the Senate and Clerk of the House, respectively, then read the Journal of each House of yesterday, and

It appearing that no person had received a majority of all the votes in each house cast for Senator,

The President of the Senate announced that nominations for Senator were in order.

Mr. Manning nominated Hon. Richard W. Walker, of Madison county.

Mr. Coleman nominated Hon. George S. Houston, of Limestone county.

Mr. Hamilton nominated Hon. Wm. S. Mudd, of Jefferson county.

Mr. Carmichael nominated Hon. Taul Bradford, of Talladega county.

Mr. Dent nominated Hon. John Cochran, of Barbour county.

Those who voted for Mr. Walker are—

Messrs. Jones, Parks and Snodgrass of the Senate ; and

Messrs. Speaker, Anderson, Barrow, Brewer, Boyd, Broadnax, Brown of Jackson, Draxler, Gresham, Kimbrough, Manning, McNeil, Morgan, Stribling, Taylor, Vaughn and Whatley, of the House.

Total, 20.

Those who voted for Mr. Houston are—

Messrs. President, Coleman, Edwards and Walton, of the Senate; and

Messrs. Barnett, Clopton, Franklin, Greene, Jones, Musgrove, Murphree, Peddy, Slater, Stallworth and Weatherford, of the House.

Total, 15.

Those who voted for Mr. Mudd are—

Messrs. Hewitt and Martin of Tuskaloosa, of the Senate; and

Messrs. Galaspie, Hamilton and Kelly, of the House.

Total, 5.

Those who voted for Mr. Bradford are—

Messrs. Cobb, Cooper, Cunningham, Driesbach, Martin of Conecuh, Robinson and Terrell of the Senate; and

Messrs. Ash, Brown of Tuskaloosa, Chapman, Cowan, Elliott, Howell, McHugh, Renfroe, Smith of Tallapoosa, Smith of Bibb and White, of the House.

Total, 18.

Those who voted for Mr. Cochran are—

Messrs. Carmichael and Mabry, of the Senate; and

Messrs. Cody, Dent, Lee, McCoy, Purcell, Williams and Wilkinson, of the House.

Total, 9.

Neither gentleman voted for having received a majority of all the votes cast,

On motion,

The Joint Convention adjourned.

On motion of Mr. Boyd,

The Sergeant-at-Arms was instructed to compel the attendance of absent members.

The House adjourned until to-morrow morning, 10 o'clock.

THURSDAY, Dec. 5, 1872.

The House met pursuant to adjournment.

Prayer by Mr. Howell, of the House.

Upon a call of the roll the following members answered to their names:

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Brewer, Boyd, Broadnax, Brown of Tuskaloosa, Brown of Jackson, Chapman, Clopton, Cody, Cowan, Dent, Draxler, Elliott, Franklin, Galaspie, Greene,

Gresham, Hamilton, Howell, Jones, Kelly, Kimbrough, Lee, Mancill, Musgrove, Manning, McHugh, McCoy, McNeil, Morgan, Murphree, Purcell, Renfroe, Slater, Smith of Tallapoosa, Smith of Bibb, Stallworth, Stribling, Taylor, Vaughn, Weatherford, Whatley, White, Williams and Wilkinson—49.

#### JOINT CONVENTION.

The hour of 12 o'clock, meridian, having arrived,

The two houses assembled in the hall of the House for the purpose of proceeding with the vote for United States Senator.

Upon a call of the roll of each House, there were present:

Of the Senate—

Messrs. President, Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Hewitt, Jones, Mabry, Martin of Conecuh, Martin of Tuskaloosa, Parks, Robinson, Snodgrass, Terrell and Walton—18.

And of the House—

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Brewer, Boyd, Broadnax, Brown of Tuskaloosa, Brown of Jackson, Chapman, Clopton, Cody, Cowan, Dent, Draxler, Elliott, Franklin, Galaspie, Greene, Gresham, Hamilton, Howell, Jones, Kelly, Kimbrough, Lee, Mancill, Manning, Musgrove, McCoy, McHugh, McNeil, Morgan, Murphree, Purcell, Renfroe, Slater, Smith of Tallapoosa, Smith of Bibb, Stallworth, Stribling, Taylor, Vaughn, Weatherford, Whatley, White, Williams and Wilkinson—49.

Total, 67.

The name of the Hon. Wm. S. Mudd was withdrawn.

Those who voted for Mr. Walker are—

Messrs. Jones, Parks and Snodgrass, of the Senate; and

Messrs. Speaker, Anderson, Barrow, Brewer, Boyd, Brown of Tuskaloosa, Brown of Jackson, Cowan, Greene, Gresham, Kimbrough, Manning, McCoy, McNeil, Morgan, Slater, Taylor and Vaughn—21.

Those who voted for Mr. Houston are—

Messrs. President, Coleman, Cooper, Edwards, Martin of Tuskaloosa and Walton, of the Senate, and Messrs. Broadnax, Clopton, Draxler, Franklin, Hamilton, Jones,

Kelly, Lee, Musgrove, Murphree, Purcell, Smith of Tallapoosa, Stallworth, Weatherford and Whatley, of the House—21.

Those who voted for Mr. Bradford are—

Messrs. Carmichael, Cobb, Cunningham, Driesbach, Hewitt, Martin of Conecuh, Robinson and Terrell, of the Senate, and Messrs. Ash, Barnett, Chapman, Elliott, Galaspie, Howell, Mancill, McHugh, Renfroe, Smith of Bibb, Stribling, White and Wilkinson, of the House—21.

Those who voted for Mr. Cochran are—

Mr. Mabry, of the Senate, and Messrs. Cody, Dent and Williams, of the House—4.

On motion—

The Joint Convention adjourned.

#### SECRET SESSION.

On motion of Mr. Manning the House went into secret session.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
Dec. 3, 1872. }

*Mr. Speaker :*

The Senate has adopted the accompanying Memorial and Joint Resolution in secret session, and asks the concurrence of the House in the same in secret session.

MIKE L. WOODS,  
Sec'y of Senate.

The House then proceeded to the consideration of the joint resolution accompanying the Senate Message, which is as follows :

*Resolved by the General Assembly of Alabama, (the House concurring,) That the Hons. Peter Hamilton of Mobile, William M. Byrd of Selma, and William S. Mudd of Elyton be appointed by this General Assembly Commissioners on its behalf to go to Washington and make a representation to the President of the United States, and if need be to Congress, of the situation of affairs here, which have impeded the exercise of its func-*

tions by this General Assembly—and that in the absence of the others any one may act in the premises.

*Resolved further*, That said Commissioners or either of them, in the absence of the others, are authorized to ask for the interposition of the Government, in such manner as they, or he, may think best, or be advised, for the support of this General Assembly.

The House concurred in the Senate Joint Resolution.

The House proceeded to the consideration of the Senate Joint Memorial to the Congress of the United States, and concurred in the same.

On motion of Mr. Brown of Tuskaloosa, the House went into open session.

Mr. Anderson offered the following resolutions, which were adopted.

*Resolved by the House of Representatives*, 1. That if any member of this House shall be absent from his seat at the call of the roll of members, without leave of absence, previously obtained, he shall be guilty of a misdemeanor, and shall be punished at the discretion of the House in any sum not exceeding twenty dollars, for each days absence, with the costs of the proceedings, and may also be imprisoned, not exceeding thirty days.

2. *Resolved further*, That the foregoing provisions be held to apply to a call of the House, when there is not a quorum present, for the purpose of compelling the attendance of absent members, and may be enforced at any time, after such call, when there shall be present not less than forty members.

Mr. Barnett offered the following resolution, which was adopted :

*Resolved*, That when application is made by any member of this House for leave of absence, that such leave shall only be granted upon a statement of the cause for such absence, and that the House shall be the judge of the necessity of such absence.

Mr. Boyd offered the following resolutions, which were unanimously adopted :

WHEREAS, information has just been communicated to this House of the sudden death of Hon. R. L. Bennett, member elect to the Legislature from the county of Hale, in this city, during the past night. Therefore be it

*Resolved*, That this House learns with pain and regret of this sudden calamity.

*Resolved*, That the members of this House wear the usual badge of mourning for thirty days.

*Resolved*, That in respect to the memory of the deceased this House adjourn until 10 o'clock to-morrow morning.

In pursuance of the above resolutions, the House stood adjourned until to-morrow morning 10 o'clock.

---

FRIDAY, Dec. 6, 1872.

The House met pursuant to adjournment.

Prayer by Mr. Howell, of the House.

Upon a call of the roll, the following members answered to their names:

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Boyd, Broadnax, Brown of Tuskaloosa, Brown of Jackson, Chapman, Clopton, Cody, Cowan, Dent, Draxler, Elliott, Franklin, Galaspie, Greene, Gresham, Hamilton, Howell, Jones, Kelly, Kimbrough, Lee, Mancill, Manning, Musgrove, McCoy, McHugh, McNeil, Morgan, Murphree, Peddy, Purcell, Renfroe, Slater, Smith of Tallapoosa, Smith of Bibb, Stallworth, Stribling, Taylor, Vaughn, Weatherford, Whatley, White, Williams and Wilkinson—50.

The Speaker announced the following Standing Committees of the House.

#### JUDICIARY.

Messrs. Manning, Anderson, Boyd, Brown of Tuskaloosa, Dent, Williams, Stallworth, Mancill and Brown of Jackson.

#### WAYS AND MEANS.

Messrs. Brewer, Vaughn, Hamilton, McCoy, Kimbrough, Ash, Cowan, Crawford and Draxler.

#### CORPORATIONS.

Messrs. Renfroe, Clopton, McNeil, Cody, Galaspie, Barrow, Howell, White and Anderson.

## EDUCATION.

Messrs. Brown of Tuskaloosa, Whatley, Murphree, Morgan, Taylor, Brown of Jackson, Elliott, Broadnax and Smith of Tallapoosa.

## PRIVILEGES AND ELECTIONS.

Messrs. Greene, Barnett, Lawrence, Slater, Chapman, White, Franklin and Whatley.

## FINANCE.

Messrs. Taylor, Gresham, Stribling, McNeil, McHugh, Weatherford, Corsbie, Cody and Draxler.

## INTERNAL IMPROVEMENTS.

Messrs. Jones, Purcell, Brewer, Clopton, Gresham, Brown of Tuskaloosa, Musgrove, Smith of Bibb and Taylor.

## APPROPRIATIONS.

Messrs. Mancill, Lee, Broadnax, Slater, White, Howell, Franklin, Crawford, Wilkinson and Musgrove.

## FEDERAL RELATIONS.

Messrs. Anderson, Dent, Cowan, Stallworth, Greene, Peddy, Lawrence and Barrow.

## AGRICULTURE AND COMMERCE.

Messrs. Ash, Elliott, Smith of Tallapoosa, Kelly, Stribling, Morgan, Kimbrough, Manning and Barnett.

## LOCAL LEGISLATION.

Messrs. Chapman, Gresham, Vaughn, Clopton, Weatherford, Galaspie, McCoy and Draxler.



## FEES AND SALARIES.

Messrs. Musgrove, Corsbie, Slater, Purcell, Kelly and Lee.

## ACCOUNTS AND CLAIMS.

Messrs. Hamilton, Renfroe, Lee, Morgan and Peddy.

## PENITENTIARY.

Messrs. Crawford, Smith of Tallapoosa, Whatley, Stribling, Barrow, Galaspie, McHugh, Ash and Kelly.

## MILITARY.

Messrs. Boyd, Renfroe, Weatherford, Purcell, and Greene.

## ENROLLED BILLS.

Messrs. Stallworth, Mancill, White, Barnett, and Elliott.

## COUNTIES AND COUNTY BOUNDARIES.

Messrs. Gresham, Brown of Tuskaloosa, Ash, Elliott, and Kimbrough.

## PUBLIC ROADS AND HIGHWAYS.

Messrs. Smith of Tallapoosa, Brown of Jackson, Wilkinson, and Smith of Bibb.

## PUBLIC PRINTING.

Messrs. Howell, Crawford, Musgrove, Murphree, and Stallworth.

## JOINT CONVENTION.

The hour of 12 o'clock, meridian, having arrived—

The two houses assembled in the Hall of the House, for the purpose of proceeding with the vote for United States Senator.

Upon a call of the roll of each house, there were present of the Senate—

Messrs. President, Carmichel, Cobb, Cooper, Cunningham, Edwards, Hewitt, Jones, Mabry, Martin of Conecuh, Martin of Tuskaloosa, Parks, Robinson, Snodgrass, Terrell, and Walton—16.

And of the House—

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Brewer, Boyd, Broadnax, Brown of Tuskaloosa, Brown of Jackson, Chapman, Clopton, Cody, Cowan, Dent, Draxler, Elliott, Franklin, Galaspie, Greene, Gresham, Hamilton, Howell, Jones, Kelly, Kimbrough, Lee, Mancill, Manning, Musgrove, McCoy, McHugh, McNeil, Morgan, Murphree, Peddy, Purcell, Renfroe, Slater, Smith of Tallapoosa, Stallworth, Stribling, Taylor, Vaughn, Weatherford, Whatley, White, Williams and Wilkinson—49.

Total 65.

A majority of the General Assembly not being present, on motion—

The joint convention adjourned until to-morrow at 12 o'clock M.

The House adjourned until to-morrow morning, at 10 o'clock.

---

SATURDAY, December 7, 1872.

The House met pursuant to adjournment.

Prayer by Mr. Howell of the House.

#### JOINT CONVENTION.

The hour of 12 o'clock M. having arrived,

The two houses assembled in the Hall of the House, for the purpose of proceeding with the vote for United States Senator.

Upon a call of the roll of each house, there were present of the Senate—

Messrs. President, Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Hewitt, Jones, Mabry, Martin of Conecuh, Martin of Tuskaloosa, Parks, Snodgrass, Terrell and Walton—17.

And of the House—

Messrs. Speaker, Anderson, Ash, Barnett, Barrow,

Brewer, Boyd, Broadnax, Brown of Tuskaloosa, Brown of Jackson, Chapman, Clopton, Cody, Cowan, Dent, Draxler, Elliott, Franklin, Galaspie, Greene, Gresham, Hamilton, Howell, Jones, Kelly, Kimbrough, Lee, Mancill, Manning, Musgrove, McCoy, McHugh, McNeil, Morgan, Murphree, Purcell, Renfro, Slater, Smith of Bibb, Stallworth, Stribling, Taylor, Vaughn, Weatherford, Whatley White, Williams, and Wilkinson—48.

Total 65.

A majority of the General Assembly not being present, on motion—

The joint convention adjourned until Monday at 12 o'clock M.

Leave of absence was granted Mr. Corsbie on account of sickness.

The House refused to grant Mr. Elliott leave of absence until Tuesday.

The House adjourned until Monday morning, at 10 o'clock.

MONDAY, December 9, 1872.

The House met pursuant to adjournment.

Prayer by Mr. Howell of the House.

#### JOINT CONVENTION.

The hour of 12 o'clock M. having arrived, the two houses met in joint convention in the hall of the House, pursuant to adjournment, for the purpose of proceeding with the vote for United States Senator.

Upon a call of the roll of each house, there were present of the Senate—

Messrs. President, Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Hewitt, Jones, Mabry, Martin of Conecuh, Martin of Tuskalooza, Parks, Snodgrass, and Walton—16.

And of the House—

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Brewer, Boyd, Broadnax, Brown of Tuskaloosa, Brown of Jackson, Chapman, Clopton, Cody, Cowan, Dent, Draxler, Elliott, Franklin, Galaspie, Greene, Gresham, Hamilton, Howell, Kelly, Kimbrough, Lee, Mancill, Man-

ning, Musgrove, McCoy, McHugh, McNeil, Morgan, Murphree, Purcell, Renfro, Slater, Smith of Tallapoosa, Smith of Bibb, Stallworth, Stribling, Taylor, Vaughn, Weatherford, Whatley, White, Williams and Wilkinson—48.

Total 64.

A majority of the General Assembly not being present, The joint convention adjourned until to-morrow at 12 o'clock M.

Mr. Brewer offered the following resolution:

*Resolved*, That the Speaker of the House be, and he is hereby required to have published in the report of the daily proceedings of the House, the name of any member on this floor who absents himself without first obtaining leave, and also the county he represents.

Mr. Boyd moved to amend by adding the words, "as an unfaithful representative of the people;"

Which motion was lost.

The resolution was adopted.

Mr. Boyd offered the following resolution, which was adopted:

*Resolved*, That the Speaker be instructed to notify the Governor of those members of the General Assembly that have departed this life, and that he be requested to issue his proclamation ordering an election to fill the vacancies.

The House adjourned until to-morrow 10 o'clock.

TUESDAY, December 10, 1872.

The House met pursuant to adjournment.

On motion—

The reading of the Journal was postponed until to-morrow.

#### JOINT CONVENTION.

The hour of 12 o'clock M. having arrived,

The two houses met in joint convention in the hall of the House, pursuant to adjournment, for the purpose of proceeding with the vote for United States Senator.

Upon a call of the roll of each house, there were present of the Senate—

Messrs. President, Cobb, Carmichael, Coleman, Cooper, Cunningham, Driesbach, Edwards, Hewitt, Jones, Mabry, Martin of Conecuh, Martin of Tuskaloosa, Parks, Robinson, Snodgrass, Terrell and Walton—18.

And of the House—

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Brewer, Boyd, Broadnax, Brown of Tuskaloosa, Brown of Jackson, Chapman, Clopton, Cody, Cowan, Corsbie, Crawford, Dent, Draxler, Elliott, Franklin, Galaspie, Greene, Gresham, Hamilton, Howell, Jones, Kelly, Kimbrough, Lee, Mancill, Manning, Musgrove, McCoy, McHugh, McNeil, Morgan, Murphree, Purcell, Renfro, Slater, Smith of Tallapoosa, Smith of Bibb, Stallworth, Stribling, Taylor, Vaughn, Weatherford, Whatley, White, Williams and Wilkinson—51.

Total 69.

The names of Hon. Richard W. Walker of Madison county, Hon. George S. Houston of Limestone, Hon. Taul Bradford of Talladega, and Hon. John Cochran of Barbour, were withdrawn.

Mr. Terrell nominated Hon. Francis W. Sykes of Lawrence county.

Those who voted for Mr. Sykes are—

Messrs. President, Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Hewitt, Jones, Mabry, Martin of Conecuh, Martin of Tuskaloosa, Parks, Robinson, Snodgrass, Terrell, and Walton, of the Senate—18; and

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Brewer, Boyd, Broadnax, Brown of Tuskaloosa, Brown of Jackson, Chapman, Clopton, Cody, Cowan, Corsbie, Crawford, Dent, Draxler, Elliott, Franklin, Galaspie, Greene, Gresham, Hamilton, Howell, Jones, Kelly, Kimbrough, Lee, Mancill, Manning, Musgrove, McCoy, McHugh, McNeil, Morgan, Murphree, Purcell, Renfro, Slater, Smith of Tallapoosa, Smith of Bibb, Stallworth, Stribling, Taylor, Vaughn, Weatherford, Whatley, White, Williams, and Wilkinson, of the House—51.

Total 69.

Mr. Sykes having received all the votes cast, viz., sixty-nine, was declared duly elected Senator to the Congress of the United States, from the State of Alabama, for the term prescribed by law.

On motion of Mr. Hewitt—

The joint convention adjourned.

Mr. Boyd offered the following resolutions:

WHEREAS, An alarming conspiracy to subvert the government of the State of Alabama exists in this city; and

Whereas, David P. Lewis, Governor of the State of Alabama, in direct violation of his solemn oath to support and defend honestly and faithfully the constitution and laws of the State, has, by every means in his power, given aid and comfort to an unlawful and revolutionary assemblage of men claiming to be the General Assembly of the State of Alabama, thus contributing the influence of his official sanction to the revolutionary schemes of a desperate conspiracy to subvert the government of the State; and whereas, David P. Lewis, Governor as aforesaid, has approved of acts purporting to be laws passed by an illegal and revolutionary cabal, in palpable violation of his oath of office; therefore,

*Be it resolved by the House of Representatives of the State of Alabama,* That David P. Lewis, Governor of the State of Alabama, should be impeached for high crimes and misdemeanors in office.

*2d. Resolved further,* That a committee of three members be appointed to draft and report to this House articles of impeachment against David P. Lewis, Governor of the State of Alabama.

Mr. Manning offered the following resolutions as a substitute for those offered by Mr. Boyd:

*Resolved,* That His Excellency, Governor David P. Lewis, by his action as explained in his communication, dated November —, 1872, and delivered on the 29th day of that month, from the joint committee of the two houses of this General Assembly of Alabama, in reply to their official information, on behalf of said General Assembly, to him of his election to the office of Governor, and inquiry of him when it would be his pleasure to take the oath of office, and by his, the said David P. Lewis, acts about the same time and since done as Governor, toward the subversion and overthrow of the authority of this General Assembly, which was in peaceful session and the regular exercise of its functions as such, and in harmonious co-operation with the Executive Department of the government, when he, the said Lewis, acceded thereto, and toward the establishment in its stead of the authority of the bodies of men, falsely claiming to be the Legislature of Alabama, assembled in the rooms of

the District Court of the United States, or elsewhere, in this city; and toward giving validity and effect to the acts and doings of said bodies, or either of them, or of any of the so-called officers thereof as such, has assumed authority, in violation of the constitution and laws of the State, is aiding to confirm insurrection against the same, and against the General Assembly of Alabama, has obstructed the passage of measures required by the public interest, has invaded the privilege of this House, and is encouraging domestic violence.

*Resolved further*, That all the acts and doings of said bodies of men, falsely claiming to be the Legislature of Alabama, or either of them, or any of the so-called officers thereof, as such are unlawful, and void in law, and that all the officers of this State, and people everywhere, are hereby warned against obedience to, or trust in, any such acts or doings.

*Resolved further*, That a committee of ——— members of this House be appointed by the chair to prepare and submit to this House articles of impeachment of the said David P. Lewis, as Governor, to be preferred before the Senate for his removal from office.

Mr. Boyd accepted the substitute.

Mr. Jones moved that the resolutions be referred to a committee of five.

Mr. Boyd moved to amend the motion of Mr. Jones so as to require the committee to report by 10 o'clock to-morrow morning.

Mr. Anderson moved to amend Mr. Boyd's motion by requiring the committee to report by 10 o'clock to-morrow morning, or as early a day as practicable.

Mr. Boyd moved to lay Mr. Anderson's amendment on the table;

Which was carried.

Mr. Dent moved to amend by requiring the committee to report by 12 M., Thursday, if not able to report at an earlier day.

Mr. Boyd moved to lay the amendment on the table;

Which motion was lost.

And the amendment of Mr. Dent was adopted.

And the motion of Mr. Jones, as amended, was adopted.

And the resolutions were referred to a special committee of five, consisting of Messrs. Manning, Boyd, Ander-

son, Jones and Taylor, with instructions to report by 12 M., Thursday, if not able to report at an earlier day.

By leave, Mr. White introduced a bill—

To prohibit the sheriff of Clay county from levying on the property of the securities to the bond of W. W. Wilkins, late tax collector of Clay county, until after the 1st day of February, 1873.

Which was read twice, under a suspension of the constitutional rule, and referred to Judiciary Committee.

By leave, Mr. Morgan introduced a bill—

For the relief of Samuel Pickering Powell, of Marengo county.

Which was read once, and ordered to a second reading.

#### GENERAL ORDERS.

The bill—

For the relief of Frank M. Dillard from the disabilities of non-age,

Was read a second time, and referred to the Committee on Local Legislation.

The Senate bill—

To protect and encourage the manufacture of iron, and for other purposes,

Was read twice under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

The House adjourned until to-morrow morning, 10 o'clock.

---

WEDNESDAY, December 11, 1872.

The House met pursuant to adjournment.

Prayer by Mr. McCoy of the House.

Upon a call of the roll, the following members answered to their names:

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Brewer, Boyd, Broadnax, Brown of Tuscaloosa, Brown of Jackson, Chapman, Clopton, Cody, Cowan, Crawford, Dent, Draxler, Elliott, Franklin, Galaspie, Greene, Gresham, Hamilton, Jones, Kelly, Kimbrough, Lee, Mancill, Manning, Musgrove, McCoy, McHugh, McNeil, Morgan,



Murphree, Purcell, Renfroe, Slater, Smith of Tallapoosa, Smith of Bibb, Stallworth, Stribling, Taylor, Vaughn, Weatherford, Whatley, White, Williams and Wilkinson—49.

# MESSAGE FROM THE SENATE.

SENATE CHAMBER, {  
Dec. 10, 1872. }

*Mr. Speaker :*

The Senate has originated and passed the following bills :

To repeal an act to authorize the commissioners court of Walker county to levy a special tax for the purpose of liquidating all the county indebtedness, which has accrued since the war, April to 1st September, 1871, approved February 9th, 1871.

To repeal an act entitled an act to authorize the publication of the laws of the State of Alabama, approved October 10, 1868, and an act to amend the same, approved December 19, 1871.

To require the clerk of the circuit court of Wilcox county to set the cases upon the State docket of his court for trial on a particular day.

To regulate the sale of property levied upon under execution in Wilcox county.

To amend an act entitled an act to repeal an act entitled an act to authorize the publication of legal and other notices in the State of Alabama, approved August 12, 1868, and an act entitled an act to amend the same, approved October 18, 1868.

To repeal an act, to repeal section six (6) (improperly written section two) of an act, entitled an act to incorporate the Briarfield Iron Works Company, of the county of Bibb, approved August 11th, 1868.

To amend an act to establish a new charter for the town of Athens, in the county of Limestone, approved March 8th, 1871.

The Senate has adopted the accompanying

## JOINT RESOLUTION,

Extending the present session of this General Assembly, and ordered it to the House forthwith.

MIKE L. WOODS,  
Sec'y of Senate.

Leave of absence was granted Mr. Howell, on account of sickness in his family.

The House adjourned until to-morrow morning 10 o'clock.

---

THURSDAY, December 12, 1872.

The House met pursuant to adjournment.  
Prayer by Mr. McCoy of the House.

## ROLL CALL.

The roll was called and the following members answered to their names :

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Brewer, Boyd, Broadnux, Brown of Tuskaloosa, Brown of Jackson, Chapman, Clopton, Cody, Cowan, Corsbie, Crawford, Dent, Draxler, Elliott, Franklin, Galaspie, Green, Gresham, Hamilton, Jones, Kelly, Kimbrough, Lee, Mancill, Manning, Musgrove, McCoy, McHugh, McNeil, Morgan, Murphree, Peddy, Purcell, Renfroe, Slater, Smith of Tallapoosa, Smith of Bibb, Stallworth, Stribling, Taylor, Vaughan, Weatherford, Whatley, White, Williams and Wilkinson—51.

The Journals of November 30th, December 2d, 3d, 4th, 5th, 6th, 7th and 9th, respectively, were read and approved.

The Journal of December 10th was read, corrected and approved.

The Journal of December 11th was read and approved.

The House proceeded to the consideration of the Senate joint resolution, extending the session of this General Assembly beyond the constitutional period of thirty days, and concurred in the same.

Yeas 50, Nays 1.

Those voting in the affirmative are—

Messrs. Speaker, Anderson, Ash, Barnett, Barrow, Brewer, Boyd, Broadnax, Brown of Tuscaloosa, Brown of Jackson, Chapman, Clopton, Cody, Cowan, Corsbie, Crawford, Dent, Draxler, Elliott, Franklin, Galaspie, Green, Gresham, Jones, Kelly, Kimbrough, Lee, Mancill, Manning, Musgrove, McCoy, McHugh, McNeil, Morgan, Murphree, Peddy, Purcell, Renfro, Slater, Smith of Tallapoosa, Smith of Bibb, Stallworth, Stribling, Taylor, Vaughan, Weatherford, Whatley, White, Williams and Wilkinson—50.

Mr. Hamilton voted in the negative.

Mr. Manning from the Committee on the Impeachment Resolutions asked further time ;

Which was granted.

Mr. Boyd offered the following

#### RESOLUTIONS.

WHEREAS, The House of Representatives of the General Assembly of the State of Alabama, duly assembled on the 18th day of November, 1872, in compliance with the constitution and laws of the State ; and whereas, the said House of Representatives of the General Assembly completed its organization on the 20th day of November, 1872, by the election of a Speaker and other officers, and whereas, said House of Representatives has been in session more than fifteen days, and whereas, the members elect from the counties of Autauga, Bullock, Dallas, Elmore, Greene, Hale, Limestone, Lawrence, Lowndes, Macon, Madison, Montgomery, Morgan, Perry, Randolph, Russell, Sumter, Talladega, Wilcox, and Winston, have not claimed or taken their seats as members of the House of Representatives ; and whereas, there is reason to believe that the members from the counties above named, with the exception of R. L. Bennett, from Hale, has absented themselves purposely from this House ; and whereas, there is good reason to believe that the members elect from said counties are engaged in an unlawful conspiracy against the Government of the State of Alabama ; therefore,

*Be it resolved*, That the seats of the members elect from said counties be, and are hereby declared vacant ; unless within five days from the passage of this resolution, the said members elect from said counties, present

themselves in the House of Representatives, and take the oath of office, prescribed by the constitution of the State, and enroll their names as members, on the Journal of the House, and that notice of this resolution be given by publication in the *Montgomery Advertiser and Mail*, by daily insertion for five days.

On motion of Mr. Manning, the resolution was laid on the table.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
Dec. 12, 1872. }

*Mr. Speaker :*

I am directed by the Senate to deliver to you the accompanying documents.

MIKE L. WOODS,  
Sec'y of Senate.

On motion of Mr. Manning—

The House went into secret session.

The Speaker laid before the House the following documents, delivered to him by the Secretary of the Senate :

STATE OF ALABAMA, }  
EXECUTIVE DEPARTMENT, }  
Montgomery, December 12, 1872. }

*Dr. R. H. Ervin, President, and the Democratic Senators and Members of the Legislature, at the Capitol :*

I have the honor herewith to submit to you a copy of a telegram received by me from Hon. George H. Williams of the Department of Justice, Washington City, proposing terms for adjustment of the questions involved in the contests respecting the organization of our General Assembly.

When it is remembered, that there has been a full and able representation of the merits of the controversy by authorized commissioners, *pro* and *con*, who have personally appeared before the Department of Justice, we are authorized to receive these suggestions as a gentle intima-

tion of the convictions of the law officer of the United States Government of his views of what is right. And allow me to say, that we should acquiesce in it with more cheerfulness, since it comes rather as friendly advice, than as a command.

While I have heretofore carefully refrained from sanctioning or condemning any plan that was under consideration, I feel it my duty to declare, that these suggestions of the Attorney-General should be unhesitatingly accepted, and carried out in good faith and sincerity of purpose.

Allow me to add, that our General Assembly will then, both in members and *animus*, be in a more hopeful condition for the important legislation that the interests of the State demand, than by any other solution that is likely to be attained.

I have the honor to be

Your obedient servant,

DAVID P. LEWIS,  
Governor.

WASHINGTON, D. C., Dec. 11, 1872.

*To Governor D. P. Lewis :*

Two organizations at Montgomery, Alabama, claiming to be the General Assembly of that State, have appealed to the President, and with his approval I submit as a plan of compromising the difficulty the following :

1st. Officers of each organization shall tender their resignations, to take effect upon the permanent organization of a House of Representatives as hereinafter provided.

2d. On the — inst. the hall of the House in the Capitol shall be vacant, and at twelve o'clock of that day all the persons holding certificates of election shall assemble therein, but the persons holding the certificate of Secretary Ragland shall be the only representatives seated from Barbour county, and shall make, in the usual manner, a temporary organization.

3d. Two tellers, one Republican and one Democrat, shall be appointed by the Speaker *pro tem.*, who shall publicly and in the presence of the House count the votes cast for Representatives in the county of Marengo, and for that purpose they shall take the returns of the precinct inspectors of said county, or in case they can not be

procured, the evidence of said inspectors so far as the same may be necessary to ascertain the actual vote cast as aforesaid, and the persons found upon such count to have the highest number of votes for Representatives shall be seated as such from said county; but the persons now holding certificates of election as representatives from Marengo shall not vote upon or in said temporary organization, nor shall any business, other than deciding the contest as to said county, be transacted during such organization.

4th. When such contest is determined, the House shall make a permanent organization in the usual way.

5th. On said — inst. the Senate Chamber shall be vacant, and at 12 o'clock the persons holding certificates of election as Senators shall assemble therein and organize, the Lieutenant Governor presiding, with the person holding the certificate of Secretary Ragland in his seat as the only Senator from Barbour county, and the votes for Senator in Marengo county shall be counted in the same way and upon the same kind of evidence as is hereinbefore provided for the House' contest as to said county; and upon such count the person found to have the highest number of votes for Senator from said county shall be seated as such, but the person now holding the certificate of election to the Senate from said county shall not vote upon any question while the contest about his seat is pending; and then the contest as to the district comprising the counties of Butler and Conecuh shall be decided in the same way and upon the same kind of evidence, and the person now holding the certificate as Senator from said district shall not vote upon any question before he is declared elected upon a count of the votes of said district as aforesaid, nor shall the Senate do any other business before these contests are settled. No person not holding a certificate of election shall take his seat in the body until his right thereto is affirmed as above provided. All those claiming to be members and seated in either organization shall be allowed mileage and *per diem* compensation prior to the temporary organization as hereinbefore provided for; after which persons holding certificates of election from Secretary Parker from Barbour county shall cease to draw pay; and those contesting the seats for Marengo and the district of Butler and Conecuh, who are finally ejected, shall be allowed *per diem* pay until said contests are respectively ended, and the officers

and employees of each organization shall be paid the usual compensation.

GEO. H. WILLIAMS,  
Attorney-General.

The communications of Governor Lewis and the Attorney-General of the United States were referred to a committee of five consisting of Messrs. Manning, Anderson, Boyd, Taylor, and Jones, with instructions to report to-morrow.

The House adjourned until to-morrow morning at 10 o'clock.

FRIDAY, December 13, 1872.

The House met pursuant to adjournment.

Prayer by Mr. McCoy of the House.

Journal of yesterday read and approved.

Mr. Manning, from the committee to whom was referred the communications of the Governor and the Attorney-General of the United States, asked and obtained leave to make their report on to-morrow.

The House adjourned until to-morrow morning at 10 o'clock.

SATURDAY, December 14, 1872.

The House met pursuant to adjournment.

Journal of yesterday was read and approved.

Mr. Manning—

From the committee, to whom was referred for consideration and report thereon, the communication of His Excellency David P. Lewis, Governor, &c., in reply to the joint committee of Senators and members of this House, that on the 23d day of November, 1872, on behalf of the General Assembly of Alabama, informed him of his election and inquired when it would be his pleasure to take the oath of office, &c., have had that communication under consideration, and instruct me to report:

It is with much regret the committee finds itself confined in this report to a criticism on the document referred to

them, and on the views and actions of His Excellency, instead of measures recommended by him to promote the public good.

The communication is dated November 26th, 1872. It was not delivered until the 29th of that month. His Excellency says in it: "I have the honor to acknowledge your communication of the 23d inst. notifying me that you had been appointed a joint committee of the Senate and House of Representatives, in session at the Capitol, to wait on and inform me," &c. He says, further: "Your communication also contains a certified copy of the resolutions instructing you so to do. In reply I beg to inform you that I have this day taken the oath of office prescribed by the constitution, before an officer authorized by law to administer the same, and have entered upon the discharge of the duties incumbent upon me as the chief Executive officer of the State of Alabama."

Where, in whose presence, and by what particular officer, the oath of office was administered, is not mentioned. We have been told that this was privately done in a lower room of this Capitol on the 25th day of November, 1872. The statute law directs (though this is only directory and not essential,) that the oath be administered by the Speaker of the House of Representatives in the presence of the General Assembly, which we know was not done.

Referring next to the General Assembly of Alabama, convened in this Capitol, and to the assemblage of persons claiming to be such, who have been meeting in the rooms of the District Court of the United States, in this city, His Excellency expresses regret at "the unpleasant duty now devolved upon him, to determine by Executive recognition, which of the two bodies is the constitutional assembly of the State of Alabama." He adds: "I deem it my duty in the solution of this question, to determine it upon such evidence as would be received and acted upon on a *contest for seats before either branch of the Legislature*, or before a court of last resort, so far as the same is attainable, and to be guided by the principles of law applicable to the same."

After then discussing the law of elections applicable in a contestation between parties before a tribunal of last resort, where the very right can be determined, because all the evidence relating to it can be adduced, and the



parties have notice and the opportunity to obtain it, the Governor says: "It is true that the means possessed by this department of ascertaining the *evidence necessary to its action are limited and imperfect*. The necessity for prompt action and *the want of power precluded a full investigation*; and *Legislative action for contesting* disputed seats will afford a means of *rectifying any error* in the indispensable action demanded at my hands." We understand this to mean—that owing to the inability of the Executive department to obtain all the necessary evidence, and to "the necessity for prompt action," the Executive magistrate could not make a full investigation; but any error he might commit would be rectified by the action of the legislative bodies in contests before them for disputed seats. Then it might happen after all that upon thorough investigation by these bodies, persons whom the Governor would exclude from such seats, notwithstanding they had *prima facie* evidence, (the certificates of election) in their favor, were really and truly entitled thereto.

The Governor then adds: "The action of this department by its recognition only renders the body so recognized *de facto* the General Assembly of the State. The forum for contesting the ultimate right to seats is elsewhere. We do not clearly understand this. It seems plain that His Excellency intends to affirm that anybody (or assembly of men) recognized by the Executive department as the General Assembly of the State, thereby becomes the General Assembly *de facto*, but only *de facto*; that is, it may be a mere usurper of the powers of the true General Assembly. But when he adds: "The forum for determining the ultimate right to seats, is elsewhere," does he mean that such forum is in some other body? Some General Assembly *de jure*? If not—if he means that this forum is in his *de facto* General Assembly—then he may by his *recognition*, supplant a General Assembly *de jure*, or rightful one, by his *de facto* General Assembly, and confer on the latter usurping body, all power to decide who are the rightful representatives of the people. His Excellency then proceeds to argue that although this General Assembly openly and peaceably convened at the time appointed by law—the Senate with its President, in the Senate Chamber, and this House with its Speaker, in this Hall, in the Capitol, which had

by law been expressly provided for them, more than twenty years ago, and had ever since been used, and no other place had been used for that purpose—a Capitol to which every citizen of the State was free to come without the slightest impediment, and at which it was the duty of all the members elect of the General Assembly there to meet, yet the fact of one so convening in this Capitol *“is of no significance* in determining that either body is or is not the General Assembly.” “In point of fact,” His Excellency says, “the General Assembly has met in this city in a building other than the Capitol, on the occasion of that building being burned down.” True, but this Capitol was not burned down; nor was there a guard stationed about it, to inquire of any one, “who comes.” Not the slightest arrangement, or appearance of arrangement existed, to deter the most timid person from freely entering into or departing from its halls.

Admitting that this House had fifty-four members with regular certificates of election, (the evidence prescribed by law of their right of membership,) the Governor proceeds to determine that amongst these fifty-four are three members from Barbour county and three from Marengo county who are not entitled to seats, notwithstanding they have certificates of their election. The members from Barbour county are not entitled to their seats, because (he says) the certificates to them were issued upon returns made while an injunction was in force against counting the votes of one of the precincts in that county, and the supplemental returns, afterwards made and now on file in the office of the Secretary of State, show that other persons are entitled to the certificates. These returns show, then, that there was a contest between the rival claimants for these seats instituted in a court of chancery, and that the injunction which was issued in the suit was dissolved. For what reason it was dissolved does not appear, perhaps, because that court had not jurisdiction of the controversy. But the Governor does not look beyond or behind the returns.

In respect to the members of this House from Marengo county, the Governor finds that the returns in the office of the Secretary of State correspond with the certificates to them. Nothing exists therein to cast a cloud on their right. But he does not stop there, as he did in the case of the members from Barbour county. He goes behind both the certificates and the returns, and says: “It is

*beyond dispute* that the supervisors cast out about one thousand votes which were polled against the certificated members, leaving a majority against these gentlemen, and in favor of the claimants of the seats in the House assembled at the United States court room in this city." How he ascertained this to be so, the Governor does not inform us. We only know that the members of this House whom he thus undertakes to rule out of it, are not of the same political party to which the Governor belongs, and had no notice of his inquisition into the "elections and returns" relating to them, and insist that they were truly elected according to law; and that those persons in whose favor he pronounced judgment are all of the same political party with the Governor.

Deciding, therefore, against the members of this House from both Barbour and Marengo counties, the Governor says: "This leaves the body at the Capitol claiming to be the House of Representatives with only forty-eight legal members, and is not a quorum under the laws of the land; and as the constitution expressly declares that a majority of each house shall constitute a quorum to do business, I find myself unable to recognize the bodies which you represent as the General Assembly of the State of Alabama."

This is certainly a very remarkable document. There are many things in it that must excite surprise.

One of these is, that Governor Lewis should assume that "the unpleasant duty" was devolved on him "*to determine by executive recognition*" which of the "two bodies" (this General Assembly, or the persons meeting in the court-room of the United States District Court, and claiming to be such,) "is the constitutional Assembly of the State of Alabama."

This General Assembly convened openly and with the knowledge of everybody, on the day appointed by law, at the Capitol, which was provided by law for its place of meeting, is composed of members, every one of whom, (as the Governor admits) possessed a genuine certificate of his election from the officer who was authorized by law to issue it; was organized, the Senators as one house in their chamber, and the Representatives as another house, in this hall, according to the constitution, under the officers, respectively, designated by that instrument to preside in them; and each house was composed of a majority of all the persons to whom certificates of elec-

tion had been issued as members elect thereof, and was in peaceful session, and the regular exercise of its functions, in co-operation with each other and with the Executive Department of the government, before and when Governor Lewis succeeded Governor Lindsay therein. To this General Assembly Governor Lindsay had sent his annual message; with it he co-operated in legislation; and in presence of its members, as the "majority of the members of the General Assembly," which the constitution directs shall be present on the occasion, (section 3, article V,) "the presiding officer of the Senate," Lieutenant Governor Moren, opened and published the returns of the election for Governor and other State officers, by which it appeared, and thereupon was declared, that Mr. Lewis was elected Governor, and Mr. McKinstry was elected Lieutenant Governor of Alabama. It was in consequence of this proceeding, and after a formal communication to him of the result, by a joint committee from this General Assembly, that Governor Lewis entered upon his office, as mentioned in the communication we are now considering. Therefore, no such "unpleasant duty" as Governor Lewis speaks of was devolved upon him. He came into office when the General Assembly was in session, and acting harmoniously with the Executive Department. But the members elect of his political party perversely kept themselves aloof from it. And the "unpleasant duty" devolved upon him was, that he should subvert and overthrow the General Assembly. Governor Lewis also found in this city an assemblage of men, who, in the rooms of the District Court of the United States, had resolved themselves into the shape of a Senate and House of Representatives, and called themselves such. They were composed chiefly of a minority of the persons to whom certificates of election had been issued as members elect of this General Assembly. Knowing that we were coming together here, as it was their duty also to do, in the Capitol, and under the officers designated by the constitution to preside over us and them, they, without any notice to us, or to those officers, met elsewhere. They did so to avoid coming together with their other fellow-members elect; and if the members of this House and the Senate, and the President of the Senate and Speaker of the House, had met with them at the United States court-room, they would have gone away, and have

reassembled elsewhere. For it was their purpose to meet separately from their other fellow-members elect, and without them, and in their absence to constitute themselves and those they should associate with them, as the General Assembly of Alabama. This was necessarily a disloyal and seditious conspiracy. All of the men engaged in it were of the same political party to which Governor Lewis belongs; and the further task assumed by or assigned to him, was to sustain and establish them in their pretension.

Another remarkable thing in the communication we are considering is the apparently blind disregard disclosed in it of the constitution and laws, which its author had just taken an oath "honestly and faithfully to support and defend."

Throughout the whole of his long document he has not quoted a single line from the constitution or statutes of the State, in relation to his power in the premises, although that must necessarily be prescribed and regulated by them.

Next after the preliminary "Declaration of Rights," and the article about "State and County Boundaries," the very first article in the constitution relating to the organization of the government (article III), is as follows:

"§ 1. The powers of government of the State of Alabama shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to-wit: those which are legislative to one, those which are executive to another, and those which are judicial to another.

"§ 2. No person or collection of persons, being of one of those departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted."

And section 6 of article IV, relating to the Senate and House of Representatives, declares: "Each house shall judge of the qualifications, elections and returns of its own members; but a contested election shall be determined in such manner as may be directed by law." The principle asserted in this section and guarded by it, is one that was vehemently and successfully contended of between two and three centuries ago by the English House of Commons, as essential to the independency of that body.

With these plain provisions of the constitution before

him, Governor Lewis, on the very day when he became the "chief executive officer of the State of Alabama," both assumes *judicial functions* and invades the jurisdiction of the legislature in order to "judge of the elections and returns" of six of its members! He admits that these six members of this House have genuine certificates of election from the officer appointed by law to issue them, which entitled them to be received by the Speaker as members of the House at its organization. He admits that owing to the "limited and imperfect" means of the Executive Department for "ascertaining the evidence necessary," and for other reasons, it was liable to fall into error, which "legislative action for contesting disputed seats, will afford a means of rectifying." Yet this high official finds no bar either in these facts, or in the injunctions of the constitution, to restrain him in his invasion of the other departments of the government.

He professes to be "guided by the principles of law." We have seen how he has disregarded these in assuming jurisdiction in the cases of these six members. How was he guided by them in his proceedings thereupon? Is it not a principle of law that a person who is in the enjoyment of a valuable property or privilege, with an apparently good title to it, shall not be deprived of it without notice to him to contest, and an opportunity afforded him to introduce evidence? No such notice or opportunity was afforded to any of the members for Barbour county or Marengo county, or to this House.

But upon some secret and partial inquisition, (where, how, and by whom conducted, we do not know), those members are adjudged to be intruders into this House, and the House itself is sentenced to be degraded from its dignity as a part of the General Assembly of Alabama. The Governor seemed dimly aware that there were legal impediments in his way. How did he avoid them? Your committee regrets to see that he did not disdain to use in an important document, those artful phrases with which demagogues in the street are deluding the ignorant and simple-minded. He stigmatizes the laws of the land as "*technical rules*." He says: the *final decision* of the question by *prima facie* evidence when other proof is attainable, or by any *technical rules* which subordinate the essential fact in issue, would only invite the subtlety of fraud to strangle the

fundamental right of representative government in the meshes of its ingenuity."

What is the meaning of this singular effusion? Who has proposed any "final decision" upon *prima facie* evidence? Whose province is it to make such a "final decision?" The magistrate who teaches the people to regard the laws with contempt, and sets the example of disregarding them—encourages to license, disorder and violence. These begun are apt to increase and multiply, and after enduring them awhile the people submit to despotic rule as a relief from greater evils. Thus the worst enemy of the people, and especially of true Republicanism, is the man high in authority who teaches them to despise the laws.

But what is this "*prima facie* evidence," and what the "*technical rules*," of which Governor Lewis speaks so lightly? They have their root in the constitution. It provides (article VI, § 1,) that "the judicial power of the State shall be vested "in a Supreme and other courts, and in "such persons as may be by law invested with powers of a judicial nature."

Now the "act to regulate elections" of October 1868, (sections 36, 37 and 38), confers "powers of a judicial nature," in respect to the elections of Senators, Representatives, Governor, and other officers, on the judge of probate, sheriff and clerk of the circuit court in the several counties. They are made supervisors of elections. They are authorized as such to open, examine and count the votes—to reject such as upon evidence, they find to be illegal; and upon ascertaining the number of legal votes cast for each candidate, they must make a report, or "returns" thereof. These "returns" for Senators and Representatives to the General Assembly, are made to the Secretary of State, and upon them he is required to issue the certificates of election, which constitute the "*prima facie* evidence" of the election of those to whom such certificates are issued.

The "returns" of the elections for Governor, Lieutenant Governor and other State officers, are made to the presiding officer of the Senate. And he is required to open and publish them in the presence of a majority of the members of the General Assembly, and to declare who are elected. These "returns" are the "*prima facie* evidence" upon which a person is authorized to enter upon the office of Governor. The law presumes the

supervisors and other officers concerned, have in both cases done their duty. They may not have done so. They may have acted fraudulently and have made the returns favorable to the wrong candidates. And if this be proved on a contest before the proper tribunal, the "*prima-facie* evidence" is rebutted. But until such proof is made upon such a trial, the "returns" and certificates made by the proper officer must be accepted as true. Otherwise there can be no order and no rule of proceeding; and without these, there can be no organization or government. These are what Governor Lewis calls "technical rules." They are the laws by which he was enabled to take office as Governor.

Every one knows that it is charged that great frauds were practised to elect Gov. Lewis and his party friends. Besides the intimidation and other influences used to keep persons opposed to them from voting, it is believed that more than 10,000 illegal and fraudulent votes were polled in their and his favor. Suppose this had been so asserted and proved *ex parte*, to the presiding officer of the Senate and the majority of the members of the General Assembly, that they had no doubt of the truth of it. Would Gov. Lewis think that this would have justified them in disregarding the "*prima-facie* evidence" and "technical rules" which were in his favor, and in declaring his competitor, Mr. Herndon, the true Governor elect? Every one knows that he would not.

A few words more in respect to Gov. Lewis' ideas of his power in relation to the General Assembly.

He is (it seems) "to determine by *Executive recognition*" which of two, or we suppose of any number of bodies, "is the constitutional Assembly of Alabama." The action of his Department (he says) by *its recognition*, *only* "renders the body so *recognized de facto*, the General Assembly of Alabama."

Whence did his Excellency get these more than imperial ideas? What does he mean by "*Executive recognition*?" Did this General Assembly never have it?

How long does the body that receives the "*Executive recognition*" continue to be the General Assembly? Does it cease to be so when the Executive favor is turned away? May it be so one day, and, though itself unchanged, cease to be so the next, for want of "*Executive recognition*?" May this vivifying efficacy be transferred from



one body to another? What a glorious prerogative attribute must this power of "Executive recognition" be!

Your committee had thought that more of the sovereign authority of the people was vested in the General Assembly of Alabama than in any other department of her government. That assembly is composed of persons whom the people elect for the purpose of making laws that are to govern all. Independence of every other authority is essential to the possession and exercise of such power. When the General Assembly is in session every body is bound to know it, and to respect it accordingly. It is the duty of the Executive department to support and defend it. And it is entitled to command all citizens to come, at the summons of its Sergeant-at-Arms, to protect it against aggression.

According to the constitution, if there be a contest for the office of Governor, it must be determined by the General Assembly. And for a violation of duty, the chief magistrate or any other of the officers of State, may be by it impeached and removed from office.

No such powers over it are given by the constitution to the Governor; nor has he anything to do in the organization of the General Assembly, or any right to interfere with its action or proceedings.

Neither in the constitution, nor in the nature of our government, is there any foundation for the preposterous pretensions set up by Governor Lewis in this remarkable communication. Nor are there any facts that justify his extraordinary conduct since, in violation of law, order and the public peace.

The committee have therefore instructed me to report to the House the following resolution, and to recommend that it be adopted:

*Resolved*, That His Excellency, Governor David P. Lewis, by his action as explained in his communication dated November 26th, 1872, and delivered on the 29th of that month to the joint committee from the two houses of this General Assembly of Alabama, in reply to their official information on behalf thereof to him of his election to the office of Governor, &c.; and by his acts about the same time and since done, as Governor, toward the subversion and overthrow of the authority of this General Assembly, and toward the establishment in its stead of the authority of the bodies of men falsely claiming to be the Legislature of Alabama, assembled in the court-room

of the District Court of the United States, or elsewhere, in this city; has assumed powers in violation of the constitution and laws of the State, is aiding to confirm insurrection against the same, has invaded the privileges and rightful jurisdiction of this House, and has encouraged domestic violence.

The report was received, the resolution adopted, and the committee discharged.

Mr. Anderson made the following

#### REPORT.

The committee to whom was referred the communication of His Excellency David P. Lewis of the 12th inst., addressed to Robert H. Ervin, President, and the members of the Legislature at the Capitol, have had the same under consideration, and instruct me to report the following resolutions and ask their adoption by the House of Representatives.

D. C. ANDERSON,  
Chairman.

*Resolved*, That in view of the detriment to the public interests by the continuance of the controversy respecting the organization of the General Assembly, and to promote conciliation and harmony—but without in anywise admitting that this General Assembly is not fully and legally constituted—the House of Representatives, the Senate concurring, doth hereby acquiesce in and assent to the plan of compromise and permanent organization proposed by the Attorney-General, with the approval of the President of the United States, and recommended by His Excellency David P. Lewis, in his communication of the 12th inst. to Robert H. Ervin, President, and the Democratic and Conservative members of the Legislature at the Capitol.

*Resolved further*, That Tuesday, at the hour of twelve o'clock, meridian, the 17th instant, be suggested as the time for the organization contemplated herein, and that a committee of three be appointed by the Speaker, acting in concurrence with a committee from the Senate, to inform his Excellency David P. Lewis of the adoption of these resolutions; and with power to confer with a committee of the Republican members of the Legislature,

and to agree upon another day and time for the organization, if the time herein proposed should not meet their approval.

*Resolved further*, That the foregoing resolutions have been adopted with the full concurrence and consent of the members from the counties of Barbour and Marengo.

The resolutions were adopted, and

Messrs. Jones, Taylor and Cowan were appointed the committee on the part of the House.

Mr. Gresham offered the following resolution:

*Resolved by the members of the House of Representatives of the General Assembly of Alabama*, That while acquiescing in the terms of settlement of our legislative difficulties proposed by the Attorney-General of the United States, we do, at the same time, protest against the terms of said adjustment, and only acquiesce because said terms are deemed equivalent to coercive measures of the Federal Government.

On motion of Mr. Taylor—

The resolution was laid on the table.

Mr. Speaker then gave in his resignation as Speaker of the House of Representatives, to take effect according to the proposed terms of compromise; whereupon,

Mr. Cowan offered the following resolution, which was adopted, (Mr. Boyd in the chair):

*Resolved*, That while this House accepts the resignation of the Hon. Lewis M. Stone, offered in view of the adoption of the plan of compromise, the thanks of the House are due, and are hereby cordially tendered to him, for the able and impartial manner in which he has discharged the duties of the office of Speaker under the difficult and trying circumstances which have surrounded him.

Mr. Manning made the following

#### REPORT:

The committee to whom was referred the resolutions in relation to the conduct of the Governor towards this General Assembly, and proposing impeachment and his removal from office, have had the same under consideration and have instructed me to return the same to the House, and to recommend that no further action be taken thereon.

A. R. MANNING,  
Chairman.

The report was received and the committee discharged.  
On motion of Mr. Anderson, it was

*Resolved*, That an additional number of five thousand copies of the address to the people of the State be printed.

The House adjourned until Monday 10 o'clock.

MONDAY, December 16, 1872.

The House met pursuant to adjournment.

Prayer by Mr. McCoy of the House.

The Journal of Saturday was read and approved.

Mr. Jones offered the following resolution:

*Resolved*, That the committee appointed on the part of the House, on Saturday last, to act with a like committee on the part of the Senate, to inform the Governor, &c., be clothed with such additional authority as will enable them to act on the various propositions touching reorganization, which may be raised during the deliberations of the committees of the two bodies.

Mr. Taylor offered the following substitute, by way of amendment:

*Resolved*, That said committee be authorized to join with the committee from the Court-room Assembly in sending for persons and papers, in the matter of the contest of the seats of the members from Marengo county.

The substitute was accepted, and the resolution was adopted.

Mr. Taylor offered the following resolution, which was adopted:

*Resolved*, That the committee be further authorized to propose that the Republican members from both Barbour and Marengo counties take seats in the Senate and House, and go into permanent organization; that the Democratic Senator from Butler take his seat and join in the organization, and that the Democratic members from both Barbour and Marengo counties be allowed to contest for seats under the law; and that the Republican member of the Senate for Butler be permitted to contest under the law.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, }  
Dec. 14, 1872. }

*Mr. Speaker :*

The Senate has concurred in the House joint resolution appointing a joint committee to arrange for carrying out the plan of adjustment proposed by the Attorney-General of the United States, and has appointed Messrs. Cooper, Walton, Terrell and Cunningham committee on the part of the Senate.

MIKE L. WOODS,  
Sec'y of Senate.

Mr. Boyd offered the following resolution, which was adopted:

*Resolved*, That the Speaker is hereby authorized to certify to the Journal Clerk *per diem* to the amount of one hundred and fifty dollars, for completing the Journal of the House and furnishing a full and complete copy of the same, with an index, for the printer.

Mr. Boyd offered the following resolution, which was adopted:

*Resolved*, That the assistants employed by the Sergeant-at-arms of this House and the Doorkeeper be allowed four dollars *per diem* for their services.

The clerk of the House, assistant clerk, engrossing clerk, and sergeant-at-arms, respectively, tendered their resignations, to take effect according to the terms of compromise proposed.

The House adjourned until this evening, 4 o'clock.

---

AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Brown offered the following joint resolution, which was adopted:

*Be it resolved by the House of Representatives (the Senate concurring,)* That the sum of thirty-five dollars be appropriated out of any money in the treasury, not

otherwise appropriated, for expenses incurred by F. Titcomb, sergeant-at-arms, and also the sum of twenty dollars, expenses incurred by Robert C. Clarke, door-keeper, in compelling the attendance of absent members, and that the Auditor of State draw his warrant for said sums of money respectively, on presentation of the certificate of the Speaker of the House and Clerk.

The House adjourned until to-morrow morning at 10 o'clock.

---

THURSDAY, December 17, 1872.

The House met pursuant to adjournment.  
Journal of yesterday read and approved.  
Mr. Jones made the following

REPORT.

HOUSE OF REPRESENTATIVES, ( )  
Montgomery, Ala., Dec. 17, 1872. )

The committee of three, appointed by this House, to act in concurrence with a similar committee on the part of the Senate, and to meet in conference with committees of Court House assembly, beg leave to report :

1. That Tuesday the 17th inst., at noon, was agreed upon as the time for the temporary organization of the Legislature, upon the plan submitted by the Attorney-General of the United States, and the committee appointed by the two bodies have adopted the following resolution :

1. *Resolved*, That the plan of adjustment and compromise proposed by the Attorney-General of the United States for the settlement of the difficulties in the way of the organization of the General Assembly of Alabama, be the basis of our action, and that for the purpose of carrying the same into effect the following rules are adopted ; *Provided*, That nothing in this adjustment be construed by either party to the same, an admission of illegality in the organization of their respective bodies.

2. That upon entering the hall of the House of Representatives that the persons holding certificates, and entitled to seats, under the rule laid down by the Attorney

General of the United States, shall present their certificates, and their names shall be registered by the chief Clerks of the two houses, (that at the Capitol and that at the Court House.) Each of said Clerks shall make a register, and the two shall be compared and made uniform.

3. That in the election of a chairman of the temporary organization, that the vote shall be taken by a call of the roll of the names so registered, and each clerk shall keep a tally, and upon the count the person receiving a majority of the votes shall be chairman of said temporary organization.

4. That the officers of the two organizations, shall each tender their resignations in writing to be filed with the chief Clerk of their respective organization, in the manner indicated in the settlement proposed by the Attorney General of the United States.

5. That in calling the roll for the purpose of electing a temporary chairman, the chief Clerk of each House shall call the roll of members of that House.

6. That the chief Clerks of the two houses shall call the rolls of their respective houses for the election of a temporary Clerk.

7. That the same rules adopted as applicable to the House of Representatives, are hereby adopted, and shall be applicable *mutatis mutandis* in the proposed organization of the Senate; *Provided*, That the Lieutenant-Governor shall be temporary chairman of the Senate.

Your committee further report that in order to expedite the counting of the ballots, as contemplated in the plan of the Attorney General above referred to, it was agreed that subpoenas *duces tecum* be issued under the authority of the two bodies respectively to the probate judges of the counties of Marengo, Butler, Conecuh and Escambia urging them to bring as expeditiously as possible the precinct returns and poll lists of their respective counties, to the Capitol, to be used by the General Assembly in determining the contests for seats, in accordance with plan of Attorney General. That in order to further expedite the production of persons and papers required in the settlement of contested seats, the following communication was addressed to the probate judges of the above named counties:

Whereas, the Inspectors' returns of the vote of the several election precincts of the county of \_\_\_\_\_ for

members of the General Assembly of Alabama, at the election held on Tuesday, the 5th of November, 1872, are important and necessary evidence, before a temporary organization of the General Assembly of Alabama, to commence on Tuesday, the 17th inst., at the Capitol, for the purpose of effecting a permanent organization, under a compromise proposed by the Attorney General of the United States, for the purpose of settling the conflicting claims of the two General Assemblies; the one at the Capitol, and the other at the United States Court Room. Now, we, the undersigned committee, appointed by each of said organizations, do hereby unite in the request to the said judge of probate, that he will without delay come to Montgomery and bring with him the Inspectors' returns of the votes cast at the several precincts in his county for Representatives and Senator of said county or district to the General Assembly of Alabama, at the late election held on the 5th day of November, 1872, and that you also bring with you the poll lists and ballots of said precincts, and that you have the same at the Capitol, in the city of Montgomery, before said organization, as soon as practicable, to be used in evidence before said tribunal.

In this respect, we all unite and earnestly press upon you the importance of compliance, as expeditiously as possible. This December 16th, 1872.

(Signed)

THOS. B. COOPER, Chairman,  
A. CUNNINGHAM,  
S. WALTON,  
JNO. A. TERRELL,  
Committee of Senate, at Capitol.

SAM'L G. JONES, Chairman,  
B. F. TAYLOR,  
J. H. COWAN,  
Committee of House of Representatives, at Capitol.

A. P. WILSON, Chairman,  
CHAS. S. C. DOSTER,  
A. H. CURTIS,  
Committee of Senate, at Court House.



ALEX. WHITE, Chairman,  
 REUBEN JONES,  
 G. W. LAWRENCE,  
 JOHN BRUCE,  
 LEWIS E. PARSONS,

Committee of House of Representatives, at Court House.

The following resolution was then adopted :

*Resolved*, That either or any party, or person interested in the issues in controversy shall have the right to sue out process for obtaining such proof as may be deemed proper and necessary and for that purpose may call upon the proper officers of either organization (that at the Capitol, or that at the U. S. Court Rooms,) to issue and execute such process.

Respectfully submitted,

SAM'L G. JONES,  
 Chairman.

The report of the Committee was concurred in.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,     }  
 December 17, 1872. }

*Mr. Speaker :*

The Senate has concurred in the House Joint Resolution making an appropriation to pay expenses of F. Titcomb and others.

MIKE L. WOODS,  
 Sec'y. of Senate.

On motion of Mr. Boyd—

The House adjourned, to meet again in the hall of the House, at the hour of 12 noon, in accordance with the terms of adjustment agreed on.

At the hour of 12 noon, it being Tuesday, the 17th December, 1872, the time fixed by the committee for organization, under the terms of settlement and adjustment proposed by the Attorney General of the United States, and acquiesced in and accepted by the House, the hall of the House having been cleared there assembled therein the members elected to the House of Representatives of

the General Assembly of Alabama, and entitled to seats under the plan of settlement proposed by the Attorney General.

Mr. Jones, of Lee, and Mr. Alex. White, of Dallas, chairmans, respectively, of the committees appointed to settle preliminary plans of organization, ordered a call of the counties for the purpose of allowing members elected, and entitled to seats under the plan of settlement, to come forward, present their certificates of election and register their names.

Upon a call of the counties, the following members came forward, presented certificates of election, duly signed by the Secretary of State, registered their names, and took their seats in the hall of the House:

Autauga—S. J. Patterson.

Baldwin—J. M. Vaughn.

Barbour—T. J. Clark, A. E. Williams, Samuel Fantroy.

Bibb—J. N. Smith.

Blount—H. A. Galaspie.

Bullock—P. Mathews, L. S. Speed, C. H. Davis.

Butler—N. V. Clopton.

Calhoun—J. M. Renfroe.

Chambers—H. R. McCoy, J. H. Barrow.

Cherokee—G. W. Lawrence.

Choctaw—J. A. Slater.

Clarke—John C. Chapman.

Clay—J. H. White.

Cleburne—W. P. Howell.

Coffee—C. S. Lee.

Colbert—Samuel Corsbie.

Conecuh—N. Stallworth.

Coosa—Daniel Crawford.

Covington—E. J. Mancill.

Crenshaw—C. Broadnax.

Dale—Levi Wilkinson.

Dallas—Alex. White, R. L. Johnson, J. M.

Goldsby, H. Cochran, Thomas Walker.

DeKalb—John N. Franklin.

Elmore—J. B. Hannon.

Fayette—Wm. A. Musgrove.

Franklin—W. W. Weatherford.

Greene—S. W. Cockrell, T. C. Hawkins.

Hale—James K. Greene.  
 Henry—Harrison Purcell.  
 Jackson—James H. Cowan, J. E. Brown.  
 Jefferson—Robert S. Greene.  
 Lauderdale—B. F. Taylor.  
 Limestone—John Lamb.  
 Lawrence—Thomas Masterson, John S. Simpson.  
 Lee—Samuel G. Jones, Thomas B. Peddy.  
 Lowndes—W. H. Hunter, January Maull, W. E. Carson.  
 Macon—George Patterson, Henry St. Clair.  
 Madison—J. M. Moss, Reuben Jones, James M. Steel.  
 Marion—Albert J. Hamilton.  
 Marshall—R. K. Boyd.  
 Mobile—A. R. Manning, D. C. Anderson, Leroy Brewer, John H. McHugh, Frank Draxler.  
 Monroe—S. A. Barnett.  
 Montgomery—N. B. Cloud, J. M. Levey, Lawson Steel, Hailes Ellsworth, L. J. Williams.  
 Morgan—W. G. W. Smith.  
 Perry—P. G. Clarke, G. S. W. Lewis, John Dozier.  
 Pickens—J. B. Gresham, Lewis M. Stone.  
 Pike—Joel D. Murphree.  
 Randolph—W. D. Lovvorn.  
 Russell—G. R. Millen, J. R. Treadwell.  
 Shelby—A. M. Elliott.  
 St. Clair—George W. Ash.  
 Sumter—Wm. Taylor, Robert Reed, Minter Dotson.  
 Talladega—Lewis E. Parsons, N. S. McAfee.  
 Tallapoosa—W. S. Whatley, H. P. Smith.  
 Tuskaloosa—Newbern H. Brown.  
 Washington—Wm. C. Stribling.  
 Wilcox—Thos. D. McCaskie, W. Merriwether, John Bruce.  
 Winston—Jonathan Barton.

The next business in order was the election of a temporary chairman.

Mr. McAfee nominated Mr. Lewis E. Parsons, of Talladega.

Mr. Taylor of Lauderdale nominated Mr. Lewis M. Stone, of Pickens.

Those who voted for Mr. Parsons are—

Messrs. Barton, Bruce, Carson, Clarke of Barbour, Clarke of Perry, Cloud, Cochran, Cockrell, Davis, Dotson, Dozier, Ellsworth, Fantroy, Goldsby, Greene of Hale, Hannon, Hawkins, Hunter, Johnson, Jones of Madison, Lamb, Lawrence, Levey, Lewis, Lovvorn, McAfee, McCaskie, Masterson, Mathews, Maull, Millen, Merriwether, Moss, Patterson of Autauga, Patterson of Macon, Peddy, Reed, Simpson, Smith of Morgan, Speed, St. Clair, Steel of Madison, Steel of Montgomery, Taylor of Sumter, Treadwell, Walker, White of Dallas, Williams of Barbour and Williams of Montgomery—49.

Those who voted for Mr. Stone are—

Messrs. Anderson, Ash, Barnett, Barrow, Boyd, Brewer, Broadnax, Brown of Jackson, Brown of Tuskaloosa, Chapman, Clopton, Cowan, Corsbie, Draxler, Elliott, Franklin, Galaspie, Greene of Jefferson, Gresham, Hamilton, Howell, Jones of Lee, Lee, McCoy, McHugh, Mancill, Manning, Murphree, Musgrove, Purcell, Renfroe, Slater, Smith of Bibb, Smith of Tallapoosa, Stallworth, Stribling, Taylor of Lauderdale, Vaughn, Whatley, Weatherford, White of Clay and Wilkinson—42.

Mr. Parsons having received a majority of all the votes cast, was declared duly elected temporary chairman of the House of Representatives, and took his seat accordingly.

The election of a temporary clerk being the next business in order,

Mr. Clarke of Perry nominated Robert Barber.

Mr. Jones of Lee nominated Ellis Phelan.

Those who voted for Mr. Barber are—

Messrs. Parsons, Barton, Bruce, Carson, Clarke of Barbour, Clarke of Perry, Cloud, Cochran, Cockrell, Davis, Dotson, Dozier, Ellsworth, Fantroy, Goldsby, Greene of Hale, Hannon, Hawkins, Hunter, Johnson, Jones of Madison, Lamb, Lawrence, Levey, Lewis, Lovvorn, McAfee, McCaskie, Masterson, Mathews, Maull, Millen, Merriwether, Moss, Patterson of Autauga, Patterson of Macon, Peddy, Reed, Simpson, Smith of Morgan, Speed, St. Clair, Steel of Madison, Steel of Montgomery, Taylor of Sumter, Treadwell, Walker, White

of Dallas, Williams of Montgomery and Williams of Barbour—50.

Those who voted for Mr. Phelan are—

Messrs. Anderson, Ash, Barnett, Barrow, Boyd, Brewer, Broadnax, Brown of Jackson, Brown of Tuska-  
loosa, Chapman, Clopton, Cowan, Crawford, Corsbie,  
Draxler, Elliott, Franklin, Galaspie, Greene of Jefferson,  
Gresham, Hamilton, Howell, Jones of Lee, Lee, McCoy,  
McHugh, Mancill, Manning, Murphree, Musgrove, Pur-  
cell, Renfroe, Slater, Smith of Bibb, Smith of Tallapoosa,  
Stallworth, Stone, Stribling, Taylor of Lauderdale,  
Vaughn, Whatley, Weatherford, White of Clay and  
Wilkinson—44.

Mr. Barber having received a majority of all the votes cast, was declared elected temporary clerk, and entered upon the discharge of the duties of his office.

On motion of Mr. White of Dallas,

The House adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, Dec. 18, 1872.

The House met pursuant to adjournment.

Hon. Lewis E. Parsons, temporary Speaker, in the chair.

Mr. Barber, the temporary Clerk, called the roll, and the following members answered to their names :

Messrs. Parsons (temporary Speaker), Anderson, Ash, Barnett, Barrow, Barton, Boyd, Brewer, Broadnax, Brown of Tuskaloosa, Brown of Jackson, Bruce, Carson, Chapman, Clarke of Perry, Clopton, Cloud, Cochran, Cockrell, Cowan, Davis, Dotson, Dozier, Draxler, Elliott, Ellsworth, Fantroy, Franklin, Galaspie, Goldsby, Greene of Hale, Greene of Jefferson, Gresham, Hamilton, Howell, Hunter, Johnson, Jones of Madison, Lamb, Lawrence, Lee, Levey, Lewis, Lovvorn, McCoy, McHugh, Mancill, Manning, Masterson, Mathews, Maull, Millen, Merriwether, Moss, Musgrove, Patterson of Autauga, Patterson of Macon, Peddy, Purcell, Renfroe, Slater, Smith of Bibb, Smith of Morgan, Smith of Tallapoosa, Speed, St. Clair, Stallworth, Steel of Madison, Steel of Montgomery, Stone, Stribling, Taylor of Lauderdale, Taylor of Sumter, Treadwell, Vaughn, Wilkinson,

Walker, Whatley, Weatherford, White of Clay, Williams of Montgomery and Williams of Barbour.

The temporary Clerk then read the Journal of yesterday's proceedings.

Mr. Manning moved to amend the minutes of yesterday so as to show that the gentlemen holding certificates of election as Representatives from Marengo county, viz., Messrs. F. H. Kimbrough, and F. A. McNeil, presented said certificates as evidence of their right to enrollment as members, when their county was called.

Mr. Lewis moved to lay the motion on the table.

Yeas, 12; nays, 79.

Those who voted yea are—

\* \* \* \* \*

Those who voted nay are—

\* \* \* \* \*

Mr. Bruce offered the following as a substitute:

*Resolved*, That the Journal of yesterday be so amended as to show that the certificated members from Marengo county presented certificates, showing their right to assemble with us, and be enrolled for that purpose.

Mr. Manning offered the following as a substitute for Mr. Bruce's amendment, which was accepted by Mr. Bruce:

*Resolved*, That the minutes of yesterday be so amended as to show that the gentlemen from Marengo county, Messrs. Kimbrough and McNeil, who have certificates of their election, presented the same as evidence of their right to assemble, and to have their names enrolled for the purpose, according to the plan of the settlement proposed by the Attorney General of the United States, and their names be enrolled *nunc pro tunc* for that purpose.

Mr. Lewis moved to amend the substitute by adding thereto:

*Provided*, That the gentlemen from Marengo shall not vote on any question during the temporary organization.

Mr. Bruce moved to lay the amendment on the table.

Mr. Lewis moved to lay the substitute and the amendment on the table.

Which was lost.

Mr. Lewis then, by leave, withdrew his amendment.

Mr. Manning moved to adjourn until to-morrow, 12 o'clock.

Lost.

The resolution of Mr. Manning was adopted.

Yeas, 76; nays, 13.

Those who voted yea are—

\* \* \* \* \*

Those who voted nay are—

\* \* \* \* \*

Messrs. F. A. McNeil, F. H. Kimbrough and Robert A. Morgan then came forward, enrolled their names, and took their seats as members of the House.

On motion of Mr. White of Dallas,

The House adjourned until to-morrow, 12 M.

THURSDAY, December 19, 1872.

The House met pursuant to adjournment.

Hon. Lewis E. Parsons, temporary Speaker, in the chair.

Mr. Robert Barber, temporary Clerk, called the roll, and the following members answered to their names:

Messrs. Parsons (temporary Speaker), Anderson, Ash, Barnett, Barrow, Barton, Boyd, Brewer, Broadnax, Brown of Jackson, Brown of Tuskaloosa, Bruce, Carson, Chapman, Clarke of Barbour, Clarke of Perry, Clopton, Cloud, Cochran, Cockrell, Cowan, Crawford, Corsbie, Davis, Dotson, Dozier, Draxler, Elliott, Ellsworth, Fantroy, Galaspie, Goldsby, Greene of Hale, Greene of Jefferson, Gresham, Hamilton, Hannon, Howell, Hunter, Johnson, Jones of Madison, Kimbrough, Lamb, Lawrence, Lee, Levey, Lewis, Lovvorn, McCoy, McHugh, Mancill, Manning, Masterson, Mathews, Maull, Millen, Merriwether, Moss, Murphree, McNeil, Morgan, Musgrove, Patterson of Autauga, Patterson of Macon, Peddy, Purcell, Reed, Renfroe, Simpson, Slater, Smith of Bibb, Smith of Morgan, Smith of Tallapoosa, Speed, St. Clair, Stallworth, Steel of Madison, Steel of Montgomery, Stone, Stribling, Taylor of Lauderdale, Taylor of Sumter, Treadwell, Vaughn, Walker, Whatley, Weatherford, White of Clay, White of Dallas, Wilkin-son, Williams of Barbour and Williams of Montgomery.

On motion of Mr. White of Dallas,

The House adjourned until to-morrow, 12 M.

FRIDAY, December 20, 1872.

The House met pursuant to adjournment.

Hon. Lewis E. Parsons, temporary Speaker in the chair.

Mr. Robert Barber, temporary Clerk called the roll, and the following members answered to their names:

#### ROLL CALL.

Messrs. Parsons, (temporary Speaker,) Ash, Barnett, Barrow, Barton, Boyd, Brewer, Broadnax, Brown of Jackson, Brown of Tuskaloosa, Bruce, Carson, Chapman, Clarke of Barbour, Clopton, Cloud, Cochran, Cockrell, Cowan, Corsbie, Davis, Dotson, Dozier, Draxler, Elliott, Ellsworth, Fantroy, Galaspie, Greene, of Hale, Greene of Jefferson, Grasham, Hamilton, Hannon, Hawkins, Howell, Hunter, Johnson, Jones of Lee, Jones of Madison, Kimbrough, Lamb, Lawrence, Lee, Lewis, Lovvorn, McAfee, McCaskie, McCoy, McHugh, McNeil, Mancill, Manning, Masterson, Mathews, Maull, Millen, Merriwether, Morgan, Moss, Murphree, Musgrove, Patterson of Autauga, Patterson of Macon, Peddy, Purcell, Reed, Renfroe, Simpson, Slater, Smith of Bibb, Smith of Morgan, Smith of Tallapoosa, Speed, St. Clair, Stallworth, Steel of Madison, Steel of Montgomery, Stone, Stribling, Taylor of Lauderdale, Taylor of Sumter, Treadwell, Vaughan, Walker, Whatley, Weatherford, White, of Clay, White of Dallas, Wilkinson, Williams of Barbour, Williams of Montgomery.

Mr. Manning, by leave, introduced the following

#### RESOLUTIONS,

Which were adopted.

1. WHEREAS it is made to appear to the satisfaction of this House, and is admitted by F. H. Kimbrough, F. A. McNeil, and R. A. Morgan, who have certificates of election thereto, and in whose favor the returns of the Board of Supervisors of Marengo county were made, that upon a count of the votes cast for Representatives, at the several precincts of said county, according to the returns thereof made by the precinct inspectors, at the late election, as prescribed in the plan of the Attorney General of the United States, for the organization of the



General Assembly of Alabama, a majority of all such votes were cast for Charles W. Dustan, Frank H. Threat, and Benjamin R. Thomas: Therefore,

*Be it resolved*, In order to expedite the permanent organization of this House according to said plan, that said Dustan, Threat and Thomas, be seated as members for said Marengo county, and be authorized to participate in said permanent organization.

*Resolved further*, That said Kimbrough, McNeil, and Morgan, be severally allowed to institute contestation for the seats, in controversy within twenty days after the adoption of this resolution.

On motion five hundred copies of the above resolution were ordered printed for the use of the House.

The House proceeded to the election of a permanent Speaker.

Mr. Greene of Hale, placed in nomination Hon. Lewis E. Parsons.

Mr. Boyd placed in nomination Hon. Lewis M. Stone. Those who voted for Mr. Parsons are—

Messrs. Barton, Bruce, Carson, Clarke of Barbour, Clarke of Perry, Cloud, Cochran, Cockrell, Davis, Dotson, Dozier, Dustan, Ellsworth, Fantroy, Goldsby, Greene of Hale, Hannon, Hawkins, Hunter, Johnson, Jones of Madison, Lamb, Lawrence, Levey, Lewis, Lovvorn, McAfee, McCaskie, Masterson, Mathews, Maull, Millen, Merriwether, Moss, Patterson of Autauga, Patterson of Macon, Peddy, Reid, Simpson, Smith of Morgan, Speed, St. Clair, Steel of Madison, Steel of Montgomery, Taylor of Sumter, Treadwell, Threat, Thomas, Walker, White of Dallas, Williams of Barbour, and Williams of Montgomery—53.

Those who voted for Mr. Stone are—

Messrs. Ash, Barnett, Barrow, Boyd, Brewer. Broadnax, Brown of Jackson, Brown of Tuskaloosa, Chapman, Clopton, Cowan, Corsbie, Draxler, Greene of Jefferson, Gresham, Hamilton, Howell, Lee, McCoy, McHugh, Manning, Murphree, Musgrove, Purcell, Renfroe, Slater, Smith of Bibb, Smith of Tallapoosa, Stallworth, Stribling, Taylor of Lauderdale, Vaughn, Whatley, Weatherford, White of Clay, and Wilkinson—36.

Mr. Parsons having received a majority of all the votes cast, was declared duly elected Speaker of the House of Representatives.

The Hon. Charles Pelham then administered the oath of office to Mr. Parsons, and he entered upon the discharge of the duties of his office.

The House then proceeded to the election of a permanent Clerk.

Mr. Goldsby nominated Robert Barber.

Mr. Jones of Lee nominated Ellis Phelan.

Those who voted for Mr. Barber are—

Messrs. Speaker, Barton, Bruce, Carson, Clarke of Barbour, Clarke of Perry, Cloud, Cochran, Cockrell, Davis, Dotson, Dozier, Dustan, Ellsworth, Fantroy, Goldsby, Greene of Hale, Hannon, Hawkins, Hunter, Johnson, Jones of Madison, Lamb, Lawrence, Levey, Lewis, Lovvorn, McAfee, McCaskie, Masterson, Mathews, Maull, Millen, Merriwether, Moss, Patterson of Autauga, Patterson of Macon, Reed, Simpson, Smith of Morgan, Speed, St. Clair, Steel of Madison, Steel of Montgomery, Taylor of Sumter, Threat, Thomas, Treadwell, Walker, White of Dallas, Williams of Barbour and Williams of Montgomery—52.

Those who voted for Mr. Phelan are—

Messrs. Ash, Barnett, Barrow, Boyd, Brewer, Broadnax, Brown of Jackson, Brown of Tuskaloosa, Chapman, Clopton, Cowan, Crawford, Corsbie, Draxler, Elliott, Galaspie, Greene of Jefferson, Gresham, Hamilton, Howell, Jones of Lee, Lee, McCoy, McHugh, Mancill, Manning, Murphree, Musgrove, Peddy, Purcell, Renfro, Slater, Smith of Bibb, Smith of Tallapoosa, Stallworth, Stone, Stribling, Taylor of Lauderdale, Vaughn, Whitley, Weatherford, White of Clay and Wilkinson—43.

Mr. Barbour having received a majority of all the votes cast, was declared duly elected Clerk of the House of Representatives.

The oath of office was then administered to the members of the House by the Hon. Charles Pelham.

The House next proceeded to the election of a Sergeant-at-Arms, and Mr. Samuel Oliver having received a majority of all the votes cast, was declared duly elected Sergeant-at-Arms of the House.

The House then proceeded to the election of a Door-keeper, and Mr. M. G. Candee having received a majority of all the votes cast, was declared duly elected Door-keeper of the House.

The House then proceeded to the election of an Assistant Clerk, and Mr. W. V. Turner having received a ma-

majority of all the votes cast, was declared duly elected Assistant Clerk of the House.

LEWIS M. STONE,  
Speaker of House of Representatives.

Attest :

ELLIS PHELAN,  
Clerk of the House.

## BILLS INTRODUCED

IN THE "CAPITOL" HOUSE OF REPRESENTATIVES

---

By Mr. ANDERSON—  
1872.

Nov. 27. For the relief of Rosa Young of Hale county.  
Ordered to a second reading. Referred to  
Local Legislation, November 29.

By Mr. BOYD—  
1872.

Nov. 30. To prohibit the payment of taxes into the  
Treasury of the State. Passed.

By Mr. CHAPMAN—  
1872.

Nov. 27. To regulate the sessions and practice of the circuit court of the county of Clarke. Ordered to a second reading. Referred to Local Legislation, November 29.

By Mr. DENT—  
1872.

Nov. 21. To fix the time and place of holding the chancery courts in the district composed of the counties of Barbour, Henry, Dale and Bullock, of the eastern chancery division of Alabama. Ordered to a second reading. Referred to Judiciary, November 2.

By Mr. JONES—

1872.

Nov. 22. To amend an act entitled an act to amend section eleven of an act to furnish the aid and credit of the State of Alabama, for the purpose of expediting the construction of railroads within the State. Ordered to a second reading. Referred to Internal Improvements, November 25.

Nov. 23. To confer jurisdiction upon the chancery courts of the State to relieve minors over eighteen years of age from the disabilities of non-age. Ordered to a second reading. Referred to Judiciary, November 25.

Nov. 30. For the relief of Frank M. Dillard from the disabilities of non-age. Ordered to a second reading. Read second time and referred to Local Legislation, December 10.

By Mr. MANNING—

1872.

Nov. 21. In relation to evidences in certain cases. Ordered to a second reading. Referred to Judiciary, November 22.

Nov. 23. In relation to the Board of Commissioners to improve the river, harbor and Bay of Mobile. Passed.

By Mr. MORGAN—

1873.

Dec. 10. For the relief of Samuel Pickering Powell, of Marengo county. Ordered to a second reading.

By Mr. RENFROE—

1872.

Nov. 25. To relieve W. Hindman, a confirmed invalid of Calhoun county, from obtaining license to peddle. Ordered to a second reading. Referred to Local Legislation, November 28.

By Mr. WHITE—  
1872.

- Nov. 29. To require the Treasurer of this State to keep the school funds separate and distinct in the treasury. Ordered to a second reading.
- Dec. 10. To prohibit the sheriff of Clay county from levying on the property of the securities to the bond of W. W. Wilkins, late tax collector of Clay county, until after the first day of February, 1873. Referred to Judiciary.

# INDEX.

---

## ABSENCE, LEAVE OF—

To Messrs. Corsbie, 340.  
Howell, 347.

## CREDENTIALS—

Of Messrs. F. A. McNeil, 276.  
R. A. Morgan, 276.  
F. H. Kimbrough, 276.  
H. Purcell, 314.

## COMMITTEES—

Standing, 336.  
Select, 280, 281, 323, 352.  
Joint Select, 282, 312, 324, 325, 326, 327.

## CONVENTIONS, JOINT—

For counting the votes, 286, 290, 308, 309.

## ELECTIONS—

Of U. S. Senator, 330, 333, 338, 339, 340, 341.

## OF OFFICERS—

Speaker, 276, 378.  
Clerk, 280, 379.  
Assistant Clerk, 280.  
Engrossing Clerk, 280.  
Doorkeeper, 280, 379.  
Sergeant-at-Arms, 285, 379.  
Chief Sergeant-at-Arms, 323.  
Temporary Chairman, 373.  
Temporary Clerk, 373.

## MESSAGES—

From Governor Lindsay, 284, 290.  
 From Governor Lewis, 319, 349.  
 From Senate, 281, 282, 283, 285, 307, 312, 325,  
 326, 327, 334, 346, 349, 366, 370.

## MOTIONS—

## To AMEND—

By Messrs. Anderson, 284, 344.  
 Manning, 316, 343, 375.  
 Elliott, 317.  
 Boyd, 341, 344.  
 Dent, 344.  
 Taylor, 365.  
 Bruce, 375.  
 Lewis, 375.

## To POSTPONE INDEFINITELY—

By Mr. Boyd, 316, 317.

## To POSTPONE TO A CERTAIN DAY—

By Messrs. Manning, 315.  
 Boyd, 316.

## To MAKE SPECIAL ORDER—

By Messrs. Manning, 315.  
 Boyd, 316.

## To LAY ON THE TABLE—

By Messrs. Jones, 318.  
 Boyd, 318, 344.  
 Manning, 349.  
 Lewis, 375.  
 Bruce, 375.

## To PRINT—

By Mr. Murphree, 307.

## To RECONSIDER—

By Messrs. Jones, 318.  
 Boyd, 318.



## MOTIONS—Continued.

## To ADJOURN—

By Messrs. Boyd, 283, 370.  
 Cowan, 285, 313, 318.  
 Whitfield, 290.  
 Manning, 308, 330, 375.  
 Mancill, 315.  
 Brown of Jackson, 316.  
 Hewitt, 342.  
 White of Dallas, 374, 376.

## REPORTS OF SELECT COMMITTEES—

By Messrs. Manning, 281, 313, 352, 364.  
 Anderson, 330, 363.  
 Jones, 367.

## RESOLUTIONS—

By Messrs. Manning, 281, 311, 314, 324, 343,  
 377.  
 White, 282, 327.  
 Howell, 283.  
 Whitfield, 285.  
 Gresham, 286.  
 Anderson, 312, 335, 365.  
 McCoy, 317.  
 Jones, 323, 324, 365.  
 Boyd, 325, 335, 341, 343, 347.  
 Brown of Tuskaloosa, 328, 366.  
 Barnett, 335.  
 Brewer, 341.  
 Taylor, 365.  
 Brown, 366.

## SECRET SESSION—

319, 334, 349.

## YEAS AND NAYS—

317, 375, 376.